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COMMENT

Can we Elect Judges

Martin Van Buren in his *Autobiography* (a volume of 800 pages sold by the government for a dollar and worth it) refers to the generally accepted belief (in 1821) that the judiciary ought not to be elected. Unfortunately, Jacksonian democracy changed all this and to-day in many states only an occasional voice is raised in favor of the appointive system. Van Buren, one of the first American bosses, was agreeable to the popular election of judges for he knew how to operate a political machine. But can we, who observe at each election the wild scramble of judicial candidates, their weird antics and the extraneous issues they trump up, be so complacent?

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Dayton Sustains C. M. Government

On November 7 Dayton voted down by a vote of 25,000 to 16,000 a proposal to abandon city-manager government in favor of the federal plan. On the same day Waltham, Massachusetts, the first city in the state to adopt the manager plan, became the second city in the United States to give up its manager charter in favor of a mayor and council. Manager government in Waltham had to bear the blame not only for higher taxes, but for higher rents as well.

At the same election, Springfield, Massachusetts, refused to accept a modern mayor-council charter. The principal objections were that the proposed charter abolished party elections and introduced the initiative and referendum.

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The Elections

Everyone, with the possible exception of the Washington *Post*, agrees that the voters at the last election had it in for somebody. And this applies as well to constitutional amendments and legislative proposals as to candidates.

The $500,000,000 water power project in California, described in full in this issue, seems to have been defeated by 3 to 1. Most of the other thirty measures on the California ballot suffered a similar fate.

In Ohio an amendment embodying some of the provisions of the new municipal indebtedness law failed. The purpose was to prohibit the issuance of paper for current expenses and to limit the term of a loan to the period of usefulness of the improvement. Another amendment to limit the tax on property, including state taxes, to 15 mills also failed.

In Virginia a proposal to call a constitutional convention was defeated.

Many friends of constitutional revision opposed it because of the fear that a convention elected at this time would be dominated by a reactionary group.

A proposed amendment authorizing the state to engage in the banking business was defeated in South Dakota. Minnesota defeated an amendment for an occupational tax, but approved a rural credits measure by which the state will lend its credit for agricultural purposes.

In Michigan a state income tax amendment was turned down by a 100,000 majority. An excess condemnation amendment was defeated also, although by less than 20,000 votes. Lack of interest in the latter among the rural districts is the attributed cause of its failure.

Nebraska successfully resisted another raid on the direct primary.

Pennsylvania adopted an amendment permitting the legislature to grant home rule to cities.

Illinois, Iowa, Kansas and Oklahoma approved soldiers' bonus measures.

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Hare System Declared Unconstitutional

The California court of appeal for the third district has declared that the Hare system of proportional representation as provided by the new Sacramento charter is unconstitutional. The case now goes to the state supreme court. The suit was brought by an unsuccessful candidate for city council. The opinion reverses the decision of the lower court, which found P. R. constitutional.

The grounds for declaring it unconstitutional are similar to those discovered by the Michigan court in the Kalamazoo case, viz., that it violates the voter's constitutional right to vote at all elections, and thus contravenes section 1, article II of the California constitution. The "right to vote at all elections" is held to guarantee the right to vote for candidates for all offices to be filled.

Although we have seen only extracts from the court's opinion (handed down October 23), it is safe to say that it rests upon the assumption, wholly gratuitous, that the only possible basis of representation is a geographical area. Thus if nine councilmen, says the court, are to be elected from the city at large, each voter must be allowed to vote for nine just as if the nine offices were distinct in duty and name. Of course if the city were divided into nine districts, one councilman from each district, a voter undoubtedly could vote for but one.

Why is it that a court should, for a second time within a few months, display ignorance of any possible political constituency except area measurable by square miles? The patent fact, easily demonstrable by mathematics, that the Hare system gives an individual more voice in elections and stronger representation in the legislative body is studiously ignored.

The decision coming, as it did, a few days before the Los Angeles election on P. R., doubtless influenced the result.

H. W. Dodds.

"ZE CEETY PAYS"

BY HAROLD A. CAPARN

Not very long ago I sat on a bench in one of the New York City parks. Nearly opposite on another bench sat a happy and shortish and stoutish family eating lunch. You could see they were a family, they were so much alike. There were "poppa" and "momma" and several children from about 26 inches to 31 inches high. They all smiled. Why wouldn't they smile? It was a beautiful day, they had had a good lunch, and they didn't have to clear away after them.

Presently poppa gave one of the children a pasteboard box of the kind that Iwantanother biscuits come in. He took it and proceeded to tear the paper cover slowly into eleventeen bits and let the wind blow them in eleventeen different directions. Meantime, poppa looked on and smiled benignantly.

Then I thought of the way they pick up papers in the parks. You have seen how they do it. An oldish sort of man comes along with a spiked stick and a bag. He stabs each piece of paper separately and puts them all into the bag. In this way, he can pick up quite a number of pieces in a day.

Then I thought of what it costs to pay this man and all the other men who pick up papers that people ought to pick up for themselves, or that never ought to be scattered around. And I remembered the South Parks in Chicago, where it costs them $28,000 a year to pick up papers! Think of what one could buy with all this money in the way of swimming pools, or gymnasiums, or tennis courts, or other things really worth while!

So I thought it was time to say something, and I went up to him and began: "My friend"—

(It seems a little queer that if you address some people as "My friend" they get rather angry, while some others seem to like it. It seems to me to show a nice disposition to be glad to be told that you are somebody's friend.)

"My friend," I said, "don't you think it's a mistake to let that boy tear up that paper? Don't you know that every piece has to be picked up, and that you and I help to pay for it?"

But he looked at me and smiled cheerfully. "Ah, no!" he said, "it is olright! Ze ceety peeck him up; we no pay."

"Yes, but," I persisted, "don't you know what the city is? It is you and I and everybody else. We all help to pay the taxes. All this work raises the taxes and helps to make rent and groceries and clothes cost more."

"Ah, no!" he replied, "you do not onderstand! We no pay! Ze ceety pay."

So I gave it up. I couldn't make him see that he and I were helping to pay for picking up those bits of paper.

ROUTING GERMS IN FRAMINGHAM

BY HELENA V. WILLIAMS

One American city demonstrates that tuberculosis can be controlled.

A GREAT many people in the world claim that health is almost entirely a matter of luck. Illness, they maintain, comes like a thief in the night, generally striking down its victim when his or her life's work is most needed or is at its height. Wherefore, they proceed to lay away money for a particularly rainy day of sickness and heavy doctor's bills. Not that taking thought of such an eventuality is not an excellent and laudable habit. But the foresight of a man having the above-mentioned viewpoint regarding his health is very apt to be a rather one-sided business. It leaves out of consideration one important factor—namely, that the proper way to safeguard against illness is to prevent it by checking the first symptoms—or better still by not allowing a first symptom to appear. It is the realization of this fact that has brought modern preventive medicine to the fore during the past decade. That it is a workable and highly effective plan which can be applied not only to an individual life, but to a whole community at a time, has been indisputably proven by the successful work of the Health Demonstration now being conducted in Framingham, Massachusetts.

Within a period of five years, Framingham, Massachusetts, a typically American town, with typical health, industrial and social problems, possessing a typically American population, has reduced its tuberculosis death rate from a 10-year average of 121 per 100,000 to 40 per 100,000, or a reduction of 67 per cent. This reduction, if applied to the United States as a whole, would have resulted in the saving of 50,000 lives in 1921.

THE FRAMINGHAM PROBLEM

In 1917, the National Tuberculosis Association began a demonstration in Framingham with a fund of $100,000 donated by the Metropolitan Life Insurance Company, in an effort to show whether tuberculosis may be controlled in an average American town. If it could, they argued, then other towns, profiting and inspired by the example, could and would doubtless do the same.

The death rate from tuberculosis for the ten years preceding the demonstration, with resident and certification corrections, was 121 per 100,000. In the past five years these death rate figures have been reduced to 40 per 100,000, or nearly 7 per cent.

THE PROGRAM

Framingham has demonstrated to the world that with sound community methods, the great white plague can be controlled, and the number of deaths resulting from it reduced to a minimum. Under the leadership of Dr. Donald B. Armstrong the executive director, aided by Dr. P. Challis Bartlett, the medical consultant, and an excellent staff, the inhabitants have been convinced that community health is purchasable just the same as streets, fire engines or public schools are purchasable, and that it is a sound investment. The people of Framingham are now paying $2.15 per person for

health, a record for American cities of this type. The results achieved are due to the co-operation of the entire community.

Under Dr. Armstrong a sickness survey was organized in which insurance agents, nurses, citizens and school-teachers all took a part.

This undertaking revealed a far greater amount of illness than anyone had suspected. The information secured from this survey, however, was not sufficiently accurate for scientific purposes, and Dr. Armstrong followed it with a medical examination campaign.

For this work a score or more doctors were brought to Framingham to work with the local physicians. A definite time was set, and the campaign widely advertised. Hundreds of homes were visited and thousands of people were examined. While the doctors looked especially for tuberculosis, they tried to discover other pathological conditions as well. This campaign was followed by similar ones later, and the school board was urged to make a physical examination of every school child.

THE RESULT OF EXAMINATION

The Demonstration then offered the services of Dr. Bartlett to the doctors of the town, as consultant and expert in tuberculosis, his services to be given free, or at whatever price the physicians might wish to pay. As a result, the number of known cases of tuberculosis in the first and second years of the demonstrations activities jumped from 27 to over 250. For these cases the community immediately proceeded to provide. The hopeful cases were sent to the state sanatoria, from which many have since been discharged as arrested cases. The more advanced cases were sent to hospitals for careful attention, and of these, too, a number have also been restored to working capacity. The children having active tuberculosis, or who had been in close contact with tuberculous parents, received expert care at home, at a camp or at children's institutions. Tuberculosis nurses frequently visited the homes where families were given instruction in the care of the patient, the prevention of infection, and so on. And both children and adults were supervised through the school or industry with which they were connected.

Framingham has set a standard of community health which other cities may take pride in following. Much of the tuberculosis work that is being done at present is under the auspices of voluntary organizations whose chief supply of funds for the campaign is procured through the annual sale of Christmas seals. Every seal that is purchased helps to advance the cause of better health in every community in the country.

CONSTITUTIONAL CONVENTION CONSIDERS CITY-COUNTY CONSOLIDATING FOR ST. LOUIS

BY HARLAND BARTHOLOMEW

The city of St. Louis has outgrown her old boundaries. In the interests of health, city planning, parks, flood prevention, etc., parts of St. Louis county should be consolidated with her. But there are strong obstacles.

THE constitution of Missouri adopted in 1875 effected the separation of the city and county of St. Louis. According to the terms of the agreement reached at this time the boundaries of the city of St. Louis were increased to such an extent that the area of the city was more than doubled. The purpose of the separation was to avoid duplication of political offices and of taxation which was secured in these two respects. By more than doubling the city area a considerable degree of foresight was presumed to have been exercised. Subsequent growth, however, has shown that the judgment of the constitution framers was not sufficiently farsighted. Within less than fifty years St. Louis has grown up rather tightly to its city limits in several directions and a large percentage of new growth is taking place outside the established city limits.

TO EXPAND ST. LOUIS

The separation of the city and county, having been effected by a constitutional provision, literally so established the present city limits that they cannot be changed except by constitutional provision. A considerable demand for a change in the city limits has arisen from time to time, but no hope of changing the present city boundaries was in evidence until the people of Missouri voted in favor of a constitutional convention in 1921. The convention convened in May, 1922.

The question of expanding the limits of the city of St. Louis was referred to the committee on counties, cities and towns of the convention. Various proposals have been made to this committee and a very perplexing dilemma has arisen. Any expansion of the city limits will be at the expense of the county, more especially since the more densely populated and hence the greatest taxable values in the county are in the cities and towns which immediately adjoin St. Louis. An arbitrary detachment of these cities and towns from the county to the city is not beneficial from the county standpoint and is strongly opposed by county officials. On the other hand a considerable sentiment has developed in a number of the communities for annexation to the city of St. Louis because of increasing taxes for water, schools and other purposes.

A PROPOSAL TO RESTORE THE COUNTY

A second proposal has been the re-entry of the city of St. Louis into the county, which is opposed on the ground that it would again offer opportunity for duplication of taxation and of political offices. A third proposal is that the entire county should

be absorbed by St. Louis. Little expression of public opinion has been forthcoming on this proposal except that it would create a very difficult tax problem, since there are some 492 square miles in St. Louis county as well as 61.37 square miles in the city of St. Louis. This would create a city much larger than that of any other in the United States, Los Angeles, the largest city in point of area, having only approximately 350 square miles, and the area of New York being approximately 327 square miles.

OLD BOUNDARY LINES NO LONGER FIT

Certain it is that the city of St. Louis needs relief. It has far outgrown its present boundaries and is not profiting by the growth which it has helped to create. St. Louis county has a population to-day of approximately 100,000 people whereas it had a population of 50,000 in 1900. Already the city of St. Louis has numerous interests in St. Louis county. It has purchased a farm for delinquent children, another for tubercular and insane, while a large additional area will soon be needed in connection with the expansion of the waterworks system, a new source of supply being contemplated on the Missouri river. Splendid scenic areas along the Meramec river, the Missouri river and Creve Coeur lake can now be secured, which in the course of a very few years will be spoiled if the city does not secure control. It is estimated that some 500,000 front feet of land has been subdivided into building lots within the past year most of which is in St. Louis county and over which the city of St. Louis has no control. Bad housing conditions are being created in certain sections of St. Louis county immediately beyond the city limits. River des Peres, a troublesome stream having a watershed of some 70,000 acres, passes through the city limits of St. Louis before it reaches the Mississippi river. St. Louis, therefore, has to contend with most of the flood water even though only 16,000 acres of the watershed are within the present limits of the city, and there is inadequate legislation for joint district sewers. St. Louis county does not have to contend with the storm water problem and is therefore not interested in helping to solve this very difficult matter. The city of St. Louis is now preparing to expend more than $10,000,000 on the elimination of nuisances caused by this stream, not one cent of which can be assessed in St. Louis county.

It is particularly important that the present constitutional convention at least open an opportunity for a solution of this problem. Another constitution for the state will probably not be written within the next fifty or one hundred years. Within this time there is no reason to doubt but what the city of St. Louis will expand to two or three times its present size and unless it can exert some measure of unification of control over physical development, tremendous problems will arise. This situation is another illustration for the need of regional planning which has recently excited much interest in the larger cities of the country.

COMMITTEE REPORTS COMMENDABLE PLAN

After several months' consideration of the political and other intricacies of the problem above referred to, the committee on counties, cities and towns has presented a most commendable report to the convention. The report provides that upon compliance with certain provisions including consent of the voters in any given section of the county and the city of St. Louis, portions of the county may be added to the city up to a point where the

area of St. Louis county will not be reduced to less than 410 square miles. Since the present area of St. Louis county is approximately 492 square miles this means that 77 square miles may be added to the present area of St. Louis, or more than double that at present contained within the city limits.

The report also makes possible the changing of county boundaries so that should St. Louis county adjust its boundaries in other directions, even more area might be added to the city. Areas added to the city of St. Louis under this provision would not preserve their local identities, becoming part and parcel of the city, which would assume any existing indebtedness of absorbed areas.

The report of the committee also makes possible the acquisition of ground within the county by condemnation, which power has not heretofore been enjoyed. This means that St. Louis would not be restricted as heretofore in opportunities for securing favorable sites for its eleemosynary institutions, waterworks or an outer park system.

The report of the committee also includes three other important measures, zoning, excess condemnation and police home rule. In fact the committee report recommends home rule for cities in every respect except elections, education and public utilities.

It will be a matter of great interest to see what action is taken upon the report by the constitutional convention. It may safely be said that the committee's report goes beyond the expectations of those chiefly interested in and acquainted with the present situation.

A minority report was presented by a few members of the committee, recommending the consolidation of St. Louis and St. Louis county, but it is not expected nor hoped that the majority report will be substantially altered.

BILLBOARD CONTROL TO DATE

BY EVERETT L. MILLARD[1]

THE chief reasons why boundless acres of out door advertising signs offend the view throughout the country have been: First, the apathy of the public, and second, the difficulty of legal control.

CONFLICTING PURPOSES

Almost everyone except those financially interested dislikes the billboards, but most people, wishing they could be done away with, prefer to "let George do it," and are seldom willing to trouble themselves to write letters of objection to advertisers or to bring pressure on the local authorities to pass and enforce the ordinances that are possible. They need to be led in these campaigns by civic organizations, clubs and institutions, which are able to translate the incoherent protest of the public into effective action. There is no longer any doubt as to what the general feeling is, because boards have grown in number greatly during recent years, especially along railroads and country roadsides, and the people have become more vividly aware than they used to be of their flaunting selfishness. People have also a much stronger realization of the fact that beauty is not divorced from the pocketbook; that it is good business to make a community attractive, and that a city which offers beautiful streets and country surroundings to the tourist and the dweller gets more trade, and has higher real estate values than one that does not. Many millions of dollars are being spent on city development and beautification plans throughout the country, part of which is spent for the purpose of facilitating traffic and business, but much of which is spent for beautification, and these plans are in general popular. What common sense is there in voting these millions of dollars of taxpayers' money for adornment, only to have the effect in a large measure spoiled by a fungous growth of advertising signs springing up in every location that prominently meets the eye? People who want civic beauty are no longer sneered at, and its development is now a business as highly respected by governmental agencies as any other. The practical business man sees that he is letting the billboard nuisance obtrude itself for no return. More important than this, the city home dweller finds the boards a continuing detriment to health and safety from crime and fire, as well as eyesores.

The manifest evidence all over the country of these facts, from individual opinion, newspaper editorials and restrictions placed upon boards in many localities now availing themselves of the clearer legal situation, shows that the apathy of the people is in large measure disappearing, and that they are ready to back up any campaign taken in their behalf.

SUPREME COURT RECOGNIZES UTILITARIAN OBJECTIONS

The boards had a good chance to grow to their present abundance, because of the legal confusion in their regulation. The first attacks on them were made on the basis of æsthetic objections only, and the courts have almost uniformly held that these were insufficient to support a regulatory

[1] President of the Municipal Art League of Chicago; Chairman, Billboard Committee of the American Civic Association.

ordinance; that unlike offenses to the nose and ear, offenses to the eye could not be prohibited. Since, however, the decision of the United States supreme court, in the case of *City of Chicago* vs. *Cusack Co.*, 242 U. S. 526, there has been a clearly defined basis for regulation and prohibition in certain cases. In that case, it was held that an ordinance requiring a majority of frontage consents in residence blocks was valid, and it therefore follows that a prohibition of boards in such residence districts would be valid, because the frontage consent is merely a waiver of the right of prohibition. The court found that fires started from the accumulation of combustible material which gathered around such billboards; that offensive and insanitary accumulations were habitually found about them, and that they afford a convenient concealment and shield for immoral practices and for loiterers and criminals; that residence districts do not have as full police or fire protection as other sections have, and that the streets of such sections are more frequented by unprotected women and children and are not so well lighted as other sections.

Based upon these utilitarian objections, it is possible now to progress from an ordinance requiring a majority of frontage consents in residence districts to one prohibiting boards in residence districts, and many cities, notably Los Angeles, have already taken advantage of this decision to secure such an ordinance. It should require only concerted action by those interested, and the co-ordination of civic organizations and individuals in bringing pressure upon municipal governments.

Upon a case with proper foundation of evidence the same objections might be extended to at least some types of business sections.

ZONING A WEAPON

The recent popularity of zoning in cities and wide appreciation of its value for both business and residence purposes, with a clearer definition of the law on the subject has further opened a broad field for effective regulation of outdoor advertising. In residence districts these ordinances generally provide that no structures other than those specified are allowed, which automatically prohibits boards, unless mentioned. Zoning ordinances must be reasonable under the police power, and the legal difficulties lie only in understanding the scope of the police power. This power extends, of course, to the public health, morals and safety. That it extends also to the power of the state to provide for the public convenience, welfare and general prosperity by appropriate legislation is also settled, by cases such as *Bacon* vs. *Walker*, 204 U. S. 311, and *Lake Shore & Michigan Southern Ry. Co.* vs. *Ohio*, 173 U. S. 285. The exact scope of the regulation of outdoor advertising under the general welfare and public convenience is not clearly defined. Zoning regulations may be upheld under it, including regulations of boards where the application of the ordinance is general to the community or to districts of certain classes therein. Boards might be regulated under this power in ordinances covering that particular subject only, and have been so regulated in Washington without attack.

In a properly prepared case the billboard companies may yet be as much surprised to find that the supreme court upholds their regulation on æsthetic grounds as they were in the decision in the Cusack case. The decisions have been mostly on ordinances clearly prohibitory in intention, and the courts will accept almost any legal peg that gets them away from the

precedents invalidating the æsthetic basis. There is at least a growing tendency toward a revision of the old narrowness of the decisions, and recognition that modern living conditions and congestion have changed the utilitarian excuses for allowing offenses to the eye to go unimpeded.

Boards along railroads and country roadsides, which are now causing more and more offense to the public, are harder to control. They can be removed from the public parkways in almost any state, but the difficulty comes in removing them from privately owned land fronting the highways. The proper way to control this is by giving municipalities constitutional power, as Massachusetts has, to regulate advertising on private property within public view. Such powers will be progressively given with the development of public education and sentiment on the subject. Meanwhile township authorities find their power of removal of country boards more limited than that the cities have attained.

WHAT WAS ACCOMPLISHED IN COLORADO

The splendid movement to abolish the advertising signs at the mountain parks of Denver, conducted by the Colorado Rocky Mountain Club, offers an example of what sufficient vigor and public spirit will accomplish. The advertisers on the signs defacing those beautiful landscapes were approached one by one by the club committee, and the results published in the club bulletin. Gradually those holding out diminished in number, until none remained. Indefatigable work is needed for this, for the billboard companies themselves appear to have no men of broad public spirit behind them and of much foresight of public opinion. They are heading their industry, by contempt of all motives except narrow selfish gain, into the position the liquor people arrived at. No landscape is too lovely for them to spoil, even though it educates people to hate them for it.

Community effort upon the advertisers direct, and upon the city fathers and state solons to make and enforce laws regulating outdoor advertising to the full extent permissible affords a field of control that is bounded only by the energy of the workers.

A COMMENTARY UPON THE COMPARATIVE TAX RATES OF THIRTY-TWO CITIES, 1922

BY C. E. RIGHTOR

The table of comparative tax votes, compiled by The Detroit Bureau of Governmental Research and published below, is explained and analyzed

In the absence of available data on tax rates levied by the larger cities in the United States, the Detroit Bureau of Governmental Research has collected and tabulated the total tax rates in thirty-two cities for the year 1922.

BASIS OF COMPILATION

To arrive at a comparable tax rate basis, the varying legal bases of assessments in different states are adjusted uniformly to a 100 per cent basis. For instance,—property in Illinois is assessed at 50 per cent of the true value; consequently a tax levy of $76.50 per $1,000 assessed valuation in Chicago is reduced to one half of that amount, or to $38.25 on the adjusted basis of 100 per cent.

Further, while the usual statutory provision in states is that property shall be assessed at "true cash value," experience indicates that a full valuation upon this basis is seldom made. Therefore, to assure more nearly equality in the comparisons, the tax rate is further adjusted upon the ratio of the assessed value to the true value of the property. For instance,—in Detroit, the tax rate for 1922, for all subdivisions, totals $28.34; it is estimated that property in Detroit is assessed on an average at 80 per cent of its "true value," therefore the tax burden on property of all kinds in the city of Detroit is actually only $22.67 per $1,000.

A tabulation of tax rates so compiled adjusts the levies of the various cities to a uniform and comparable basis, and, it is believed, reflects the relative burden upon each $1,000 of property for all taxes levied for one year.

Except as noted, therefore, the tax rates for each purpose and the total tax rates are actual figures, and may be accepted at full value.

The legal basis of assessment needs no comment, as it will be seen that nearly all states now require a 100 per cent basis of assessment. For comparison, it is obviously permissible to adjust the rate to a standard 100 per cent basis for all cities.

The final three columns are, of course, only estimates, as it would be difficult if not impossible to determine with exactness for any city the ratio of assessed values to true values. The ranking of any city must depend upon the accuracy of this "guess" or estimate, and in examining the rankings the basis for them should be borne in mind.

The figures should be accepted for just what they are labelled,—nothing more nor less. In other words, an industry would not be justified in accepting them as a reason for deciding to locate in a city shown to have a low tax rate according to the adjusted

tabulation, because it is not purported that all the evidence is presented.

THE TAX RATE REQUIRES SUPPLEMENTARY DATA

Those conversant with tax problems will agree that the "tax rate" alone means nothing,—even though inquiries relative to tax rates are frequently received from citizens and taxpayers, realtors, and industries.

Too many elements enter into the seemingly simple question.

The ratio of assessed to true property valuations, the scope and extent of services undertaken by the cities, the area and population served, the topographical and other natural conditions, and the revenues from ordinary and extraordinary sources,—all these, and many other factors, have a bearing on the question.

The public services performed is the basis for measuring the efficiency of municipal government. A tax rate, therefore, should be analyzed to ascertain the amount of each kind of service obtained by the community, for comparison of services in the various municipalities.

Because undue value may be placed upon the statement of tax rates, without ample consideration of the facts pertinent to the rates in many instances, it is deemed well to offer a word of caution and suggestion.

PURPOSES OF LEVY VARY

With respect to the table, it will be noted that the purposes of levy vary. In some cases the city rate includes such extraordinary levies as port, dock, park, flood prevention, etc. These instances are referred to in the notes. Again, in certain cities there is no county levy, due to city-county consolidation or the absence of any county government, as indicated in the notes accompanying the tabulation. Comparisons may be made properly only when these facts are considered.

Further, some states have no real estate tax, notably Pennsylvania, California, and Delaware. Ohio levies but a small tax for state purposes, although the table would indicate a rather substantial levy of $3.67. The note opposite Cleveland shows, however, that of this levy, $2.65 is in reality an attempt to overcome the undue restrictions and internal limitations of the so-called Smith One Per Cent Law in that state.

Due to having the largest tax levy for schools, Chicago ranks sixth in amount of total adjusted tax rate. It is of interest to note in this connection that Chicago has followed for some years the "pay-as-you-go" policy of constructing new schools, the entire building program each year being borne by general taxation. As a result, the tax rate is high, but the city has no bonded debt for schools (to be exact, $125,000 school bonds were outstanding on January 1, 1922), and of thirty-two cities, Chicago stands fourth from the smallest in amount of total bonded debt.

NATURE OF ASSESSMENTS VARIES

It should be observed that there is considerable divergence in the nature of assessments against which the tax rate applies.

The total assessment roll may include a large percentage of personalty, as in Cleveland, where 42.7 per cent of a total valuation of $1,700,000,000 is assessed in that class. This compares with Detroit's personal assessments, which are 23.7 per cent of a total roll of $1,954,000,000. Michigan laws exempt many kinds of personal property that are taxed in Ohio.

On the other hand, exemptions in some states have worked nearly to eliminate consideration of personalty,

COMPARATIVE TAX RATE FOR THIRTY-TWO CITIES FOR 1922

Compiled by the Detroit Bureau of Governmental Research, Inc.
From Data Furnished by Members of the Governmental Research Conference, and City Officials

	Tax rate per $1,000 assessed valuation						Legal basis of assessment	Adjusted rate 100% basis of assessment	Estimated ratio of assessed to true value	Adjusted tax rate on estimated ratio of assessment	Rank on adjusted tax rate
	City	School	Debt	County	State	Total					
							Per cent		*Per cent*		
1. New York City[1]	11.34	5.90	8.14	.76	1.26	27.40	100	27.40	97	26.58	9
2. Chicago[2]	36.80	28.10	....	7.10	4.50	76.50	50	38.25	75	28.69	6
3. Philadelphia[3]	17.50	9.50	....	....	....	27.00	100	27.00	90	24.30	16
4. Detroit[4]	14.59	7.46	....	2.67	3.62	28.34	100	28.34	80	22.67	20
5. Cleveland[5]	6.52	5.99	6.25	2.17	3.67	24.60	100	24.60	90	22.14	21
6. St. Louis[6]	12.70	8.80	2.20	....	1.30	25.00	100	25.00	92	23.00	19
7 Boston	20.37	8.04	....	1.49	2.84	32.74	100	32.74	100	32.74	2
8. Baltimore[7]	10.13	4.42	4.32	....	3.07	21.94	100	21.94	90	19.75	27
9. Pittsburgh	16.49	11.50	....	5.25	....	33.24	100	33.24	85	28.25	7
11. San Francisco[8]	15.40	7.80	7.10	4.40	....	34.70	100	34.70	50	17.35	29
12. Buffalo[9]	27.74	....	....	5.43	....	33.17	100	33.17	80	26.54	10
13. Milwaukee	10.66	8.11	3.85	4.77	1.79	29.18	100	29.18	85	24.80	13
15. Newark[10]	18.33	9.70	....	5.71	4.06	37.80	100	37.80	100	37.80	1
17. New Orleans[11]	10.50	7.00	10.00	....	8.25	35.75	100	35.75	85	30.39	3
18. Minneapolis	23.04	19.70	10.95	6.77	4.18	64.64	38	24.56	100	24.56	14
19. Kansas City, Missouri	10.00	7.50	4.50	4.30	1.00	27.30	100	27.30	74	20.20	26
20. Seattle[12]	22.49	13.37	4.51	10.00	13.00	63.37	50	31.69	92	29.15	4
23 Rochester[13]	13.23	13.03	3.22	5.26	....	34.74	100	34.74	80	27.79	8
24. Portland, Oregon[14]	14.67	8.66	2.64	5.77	9.86	41.60	62	25.79	100	25.79	11
25. Denver[15]	9.20	11.79	....	2.16	4.35	27.50	100	27.50	80	22.00	22
26. Toledo[4]	4.88	4.60	4.71	2.54	3.67	20.40	100	20.40	80	16.32	30
28. Columbus[5]	5.43	7.45	4.35	5.10	3.67	26.00	100	26.00	80	20.80	25
30. St. Paul	21.99	15.40	9.01	16.42	4.18	67.00	38	25.46	100	25.46	12
31. Oakland, California[16]	18.60	17.21	5.22	8.07	....	49.10	100	49.10	50	24.55	15
32. Akron[5]	4.59	6.50	2.89	2.75	3.67	20.40	100	20.40	80	16.32	31
33. Atlanta[17]	15.00	....	....	10.00	5.00	30.00	70	21.00	100	21.00	24
34. Dayton[18]	9.92	7.31	3.77	4.93	3.67	29.60	100	29.60	60	17.76	28
35. Grand Rapids[19]	10.18	11.36	....	3.58	3.84	28.96	100	28.96	100	28.96	5
37. Norfolk[20]	22.50	....	....	....	2.50	25.00	50	12.50	100	12.50	32
38. Duluth	16.20	19.40	7.65	10.47	4.18	57.90	38	22.00	100	22.00	23
—. Toronto, Canada	15.86	8.25	8.24	....	....	32.35	100	32.35	75	24.26	17
—. Montreal, Canada[21]	13.87	10.00	....	....	....	23.87	100	23.87	100	23.87	18

Note: The cities are arranged in order of population (except for Toronto and Montreal), and the following cities are omitted as no data or incomplete data were furnished: 10. Los Angeles; 14. Washington; 16. Cincinnati; 21. Indianapolis; 22. Jersey City; 27. Providence; 29. Louisville; 36. Des Moines.

[1] *New York City.* A single rate is levied,—the distribution here shown is a computation. Rates for the five boroughs differ slightly because major public improvements are assessed upon the boroughs through the tax rate, and each borough pays the cost of its coterminous county government. The total rate shown is for Manhattan borough.

[2] *Chicago.* All rates are estimated,—actual rates are determined in December. The city rate includes sanitary district, forest preserve district of Cook county, and park board. The total rate shown is for South Park district (central business district and south side of city). The rate in other sections will be slightly higher because of variations in the park rates.

[3] *Philadelphia.* The city rate includes the cost of county government, which is consolidated with the city; the city rate also includes debt service rate of $4. There is no state tax on real estate in Pennsylvania.

[4] *Detroit.* The city rate includes debt service for the city, schools, and library.

[5] *Cleveland, Toledo, Columbus, Akron.* The state rate includes $2.65 school levy, retained by the county and redistributed to school districts therein.

[6] *St. Louis.* The city is not within the confines of a county, but is a separate unit, so there is no county rate.

[7] *Baltimore.* There are seven tax rates applied to eleven bases of assessed valuation; the total rate here shown is an average of these varying rates, and the distribution is an estimate. Baltimore city, not being in any county, performs the functions similar to a county.

[8] *San Francisco.* A single rate is levied,—the distribution here shown is an estimate. There is no state tax on real estate in California.

[9] *Buffalo.* The city rate includes school and debt levies; the county rate includes state rate.

[10] *Newark.* The city rate includes debt service.

[11] *New Orleans.* The city rate includes county (or parish) rate.

[12] *Seattle.* The city rate includes port tax rate of $1.

[13] *Rochester.* The school rate includes debt for schools; the county rate includes state rate.

[14] *Portland.* The city rate includes $2 port rate and $2 dock rate; the state rate includes $2.15 levied by the state but returned to the city; the school and county rates include debt services of 20 cents and 53 cents respectively.

[15] *Denver.* The city rate includes debt service rate.

[16] *Oakland.* There is no state tax on real estate in California. Of the school tax, $16.74 is levied by the county and 47 cents by the city; the debt rate includes city bonds, school bonds levied on the Oakland school district by both county and city, and 10 cents for county bonds.

[17] *Atlanta.* The city rate includes school and debt service rates.

[18] *Dayton.* The city rate includes $4.56 for flood prevention and county rate 58 cents for same; the state rate includes $2.65 school levy, retained by the county and redistributed to school districts therein.

[19] *Grand Rapids.* The city rate includes debt service.

[20] *Norfolk.* The city rate includes school and debt service rates. There is no county rate in the city.

[21] *Montreal.* The school rate shown is the Protestant and Neutral rate; the Catholic rate for schools is $7. The city rate includes debt service.

as in New York. For instance, Buffalo in 1921 had $10,500,000 personal assessments, which has shrunk 20 per cent this year. The exemption by New York city of newly constructed residences from municipal taxes for a ten-year period, and the principle adopted in Pittsburgh of applying a millage (tax) rate to buildings at only a given percentage of the full rate applied to land, until, after 1925, the millage rate for buildings will be only 50 per cent of the full rate for land, are further examples.

TAX LIMIT LAWS AFFECT RESULTS

The existence of tax limitation laws, as in Ohio, has a bearing upon the rank of cities, which without consideration of all the facts gives them an unduly favorable aspect. A simple statement of the tax rate alone cannot reveal the fact that Cleveland during the past few years has issued deficiency bonds amounting to $12,750,000, and that some other Ohio cities are similarly hard pressed. The fallacy of tax limit laws has been proved, but not universally remedied.

SEPARATION OF SOURCES OF REVENUE

The development in the separation of state and local revenues has an important bearing upon the property tax rate. Some states have already turned in part from property taxation to other sources of taxation, leaving property taxation largely for local requirements. Notably is this true in Wisconsin, Massachusetts, and New York, which rely in part upon an income tax. It would be a fallacy to assume that because property taxes are low in these states, individual and corporate wealth in some other form did not have to support the state governments.

In some instances the fiscal year does not correspond with the calendar year, but it is assumed that ordinarily no great change in any rate will be found from one year to the next, so latitude in this respect is permissible without impairing the value of the figures.

Finally, it is fair to repeat that the table does report the actual tax rates on each $1,000 worth of assessed property for 1922, in each of the cities, together with an estimate of the relative tax burden. This is all that may properly be construed from the tabulation.

This is the second annual compilation of tax rates made by the Detroit Bureau of Governmental Research. It is hoped that a similar report will be compiled each year, and possible discrepancies occurring in this report may be eliminated in future compilations. It is unfortunate that the tax figures for Los Angeles, Washington, Cincinnati, Indianapolis, Jersey City, Providence, Louisville, and Des Moines, were not furnished, and it is hoped to include them in future statements.[1]

[1] Los Angeles reported its 1922 tax rate after completion of the statement. The rates are: City rate, $10 (per charter limitation); Debt service, $2.60; Basis of assessment, 50 per cent.

HUGE WATER AND POWER DEVELOPMENT PROPOSED IN CALIFORNIA

BY WM. J. LOCKE

Executive Secretary, League of California Municipalities

This measure was voted on at the November election. Early returns received as we go to press indicate that it was defeated by 3 to 1. ::

California's Water and Power Act is a proposed constitutional amendment, to conserve, develop and control the waters of the state for the use and benefit of the people; to make possible the unified and scientific maximum of irrigation, flood control and hydro-electric power development; to guarantee to separate communities the fullest possible freedom in solving their own water and power problem, with state assistance; to provide a method of unified control by which communities may co-operate, and to make the remaining nine-tenths of the water and power resources of California pay for their own development, without taxation of the people, without profit to middlemen, without new bonded indebtedness on the land, and with rates at cost to users of water and power.

WHAT THE AMENDMENT PROVIDES

The provisions of the amendment for carrying out the above purpose fall under four main headings. They are:

1. Availability of state credit for community development.

2. The organization of the California water and power board, to which are assigned powers to carry out the purposes of the act.

3. A definite legal process by which single communities or communities in groups may proceed under the act.

4. Safeguards against political control, or corrupt or unwise administration.

Communities, separate or united, may, under the amendment, procure state credit for irrigation or power development, or both, or for building or acquiring distributing systems for water or power or both. This credit will be extended only on the basis of proven, feasible projects, with assured returns sufficient to retire bonds in fifty years, and meet interest, operating, depreciation, maintenance, and other charges. For distributing systems, the return must be in twenty-five years. The sale of bonds will be limited in each case to the amount required for the project in hand, and the final limit of this gradual extension of credit, item by item, through a period of years, is $500,000,000.

The foundations of the proposed amendments are *rates at cost* and *unified development*. Adjustments of rates from time to time, according to varying costs of labor and materials is provided, so that rates may always be kept on a cost basis. Pursuant to the need for unified development, the water and power board, of five members, appointed by the governor, is given adequate powers in co-operating with various communities, the state, or the United States.

Following are a few of the main safeguards against corrupt or unwise procedure:

1. The board must be representative, in its personnel, of irrigation and

municipal interests, and of geographical divisions.

2. Members of the board may be recalled, either by the legislature, or by direct vote of the people.

3. Amount of hydro-electric energy which may be sold to corporations, for necessary "stand-by" service, limited to 20 per cent. Limitation on price, to prevent collusion with corporations in selling people's power.

4. No confiscation of property possible, through provision requiring court proceeding, with award of compensation and damages, and recourse to jury trial if desired.

5. Country districts protected against possible aggression by large cities.

6. Cities assured of adequate supplies of water and power to meet needs of growth.

7. Proceeds from sale of bonds to be placed in state treasury—sufficiently answering the power company's untruth about the board "opening its own bank."

8. Flexibility in adjusting rates, in accordance with varying cost of construction and materials, so that rates may be kept uniformly on a *cost* basis.

9. A preliminary appropriation of $5,000,000, to keep the board a "going concern" during the opening stages of construction, before returns from projects are at hand.

10. Auditing by the state department of finance.

11. Complete report of all proceedings to the governor, and to all members of the legislature, with all books and papers open at any time for the inspection of any citizen of the state.

12. Limitation of interest rates on bonds to 6 per cent, thus safeguarding the system against excessive interest rates.

The actual sale of the bonds is in the hands of the finance committee, consisting of the governor, the treasurer, the controller, the chairman of the board of control and the chairman of the water and power board. The actual *merits* of a proposed project are made an essential part of the committee's consideration.

FLOOD CONTROL AND IRRIGATION INCLUDED

California has reached a stage in her industrial development that demands the bringing of her water and power resources into use. The water is here and the potential power is here. The water must be brought to the land, and to the cities, and the power developed for home and factory.

Two methods of bringing them into use have been suggested:

1. By private monopoly.

2. By the state.

The power companies, not concerning themselves with flood control or the solution of the irrigation problems, propose issuance of securities aggregating $1,000,000,000 for hydro-electric development alone. The interest on this vast amount, and the principal, if ever paid, will be met out of rates charged the people for water and power.

DEVELOPMENT BY STATE BITTERLY OPPOSED

The second plan for bringing the water resources into use is to employ the credit of the state as proposed in California's Water and Power Act, not only hydro-electric development, but for the storage of flood-waters and for irrigation. For this work state credit up to the maximum of $500,000,000, half the amount which private monopoly proposes for the development of hydro-electric power alone, is authorized. The interest and principal on this capital investment will be met out of rates for water and power precisely the same as would be done under private monopoly. As the state would

pay at least two per cent less interest than private monopoly, the amount necessary for private monopoly to collect to pay the interest charges, would, under state development, not only suffice to pay the interest, but could retire the entire capital investment in less than twenty-six years.

The power companies are charging that this amendment is the work of a "self-constituted group." So was the Declaration of Independence, but the signers of this document carried the added opprobrium of being seditious. To be consistent in this charge the power companies were compelled to attack the principle of the initiative—and this they have done. Eustace Cullinan, leading the power company fight against this act, speaking in San Francisco, May 12, said: "The initiative is a menace to our institutions." The line is clearly drawn. California's Water and Power Act is being fought by the same interests which have fought the entire program of California progressive legislation. As to the origin of this measure, a reference to the list of those who sponsor it will disclose the names of some of the most prominent citizens of the state. This work was done in co-operation with a committee of the League of California Municipalities, in conferences which covered every business day for nearly the entire three months of the summer of last year. No other measure in the history of California has represented as much work by as many representative men and women.

WOULD TAXATION RESULT?

This bond issue of five hundred millions *must* be retired from returns from water and power development. Bonds would be sold only on projects of proven feasibility, with an assurance that each would yield returns sufficient to retire bonds in fifty years, and carry other charges. It has been proven by Los Angeles and Ontario that the saving in interest rates, and other savings incident to public ownership, is sufficient to carry the double load of bond retirement and depreciation. Under this amendment, bonds could be sold only in accord with the demand for water and power. There could be no pledge of state credit beyond the certainty of returns.

The water and power board cannot sell a dollar's worth of bonds. The actual sale of the bonds is in the hands of a committee of five, called the finance committee, consisting of the governor, the treasurer, the controller, the chairman of the board of control and the chairman of the water and power board. The board submits to the committee a proposal for a project, stating the amount of money required. This proposal must be accompanied by full details of the project, showing that it will pay itself out, without taxation of the people.

IS THIS "SOVIETISM"?

The power companies are basing their attack on this measure on the ground that it is a "soviet" enterprise. They have deluged the state with a pamphlet called "Shall California Be Sovietized?" If Ontario and Los Angeles have been "sovietized," the power companies are doing Lenine and Trotzky a brotherly service by advertising these achievements as being of soviet inspiration. If the farmers, legislators, bankers, economists, public officials, club women, publishers, college professors, and financiers who head this movement are Russian radicals, the "reds" have gained some distinguished adherents! If it is sovietism to borrow money at 4 per cent instead of 8 per cent, and to make your business pay its way out, the power companies are welcome to

their epithet. This soviet charge amounts to merely this: The power companies carefully picked out what they believed to be the most unpopular term obtainable with which to assault this measure.

The powers assigned the board are clearly and definitely limited to the purposes of the act, which are stated as follows: "To conserve, develop and control the waters of the state for the use and benefit of the people." In preparing the act, supreme court decisions were considered, phrasing the amendment so that the board would be definitely limited to carrying out this purpose. While the power of eminent domain is placed in the hands of the board, this means merely the assignment of a power which is used in all great public projects.

STATE BEHIND THE BONDS

The "full faith and credit of the state" is actually pledged to the bonds, and for this reason it was necessary to make taxation possible, to meet any deficit in funds for payment of interest or principal. The great reservoir of state credit is available by virtue of the fact that the taxing power of the state stands behind its bonds. The purpose of this measure is to *use* this reservoir of credit. There is no use issuing bonds unless you expect to *sell* them. A moment's consideration of the water and power assets behind these bonds is sufficient to answer the question as to whether there is any danger of this taxing power actually being used. The provision regarding the sale of additional bonds, if at any time sufficient revenues are not available, is a refunding provision, which is a commonplace of finance. Privately owned companies are continually refunding in this manner. The chief difference, in this connection, between the public and the private method, is that the private utilities are constantly "pyramiding" their debt, as they do not pay off the principal. The ratepayers must pay perennial interest charges on investments in which they have no share. Under California's Water and Power Act the returns from rates build up an investment for the people.

A SAFE VENTURE

The proposed bond issue of $500,000,000, for approved projects, under California's Water and Power Act is a safe and sensible procedure, for the following reasons:

1. The bonds will be issued and sold only for the amount needed for each feasible project, with an assurance that returns will retire bonds and carry all other charges.

2. Each issue is amply safeguarded (a) by provisions governing the personnel and responsibility of the board; (b) by requirements for the actual issue and sale of the bonds by the finance committee, consisting of the governor, the state treasurer, controller, chairman of the board of control and chairman of the water and power board, on the basis of a showing of assured returns, sufficient to enable the project to "pay out" without taxation; (c) by the constantly increasing demand for water and power, which makes this development "good business."

3. The volume of the assets reclaimable and of the basic wealth of California reduce to absurdity any charge that the bond issue would be a strain on the credit of the state. *Irrigation* is the primary objective of water development, and power returns should be considered as derivative wealth. Regardless of power resources, the value of water now flowing to waste, sufficient to irrigate 9,000,000 acres of land, and the augmented value of this

land under irrigation, brings the value of resources reclaimable to an astounding total of potential wealth. A conservative estimate of the value of taxable property in the state is over $10,000,000,000.

There are obligations in outstanding state, county, municipal and district bonds of about $322,000,000. California's Water and Power Act would raise this liability to $822,000,000—even if the bonds were issued and sold at once; which, of course, would not be the case. This obligation would be about 8¼ per cent of the underlying value of the state. Consider together the underlying wealth of $10,000,000,000, and the reclaimable water and power wealth of additional billions, and the "strain on state credit" becomes comparable to the strain on a man's credit when he pledges a pocket knife against a house and lot.

4. California already has accepted, tried and proven successful the principle of retiring bonds, and paying other charges, under state operation. This is the method of the San Francisco harbor development. It has proved an unqualified success. Ontario, Canada, and Los Angeles have made splendid demonstration of the truth of the statement that water and power at cost will yield returns sufficient to retire bonds, and meet all charges of interest, depreciation, operation and maintenance.

Gifford Pinchot, who with Theodore Roosevelt launched the American conservation movement, and who has received the republican nomination for governor of Pennsylvania, gave enthusiastic indorsement to California's Water and Power Act. He came to California to speak for the measure and, addressing the state convention of the League of California Municipalities at Santa Monica, September 28, 1921, he said:

> You have a law which, by the way, is a model of bill drafting. I have had a good deal to do with drafting bills for the last 25 years, and I think I have knowledge enough to say that California's Water and Power Act is a beauty.

ILLINOIS VOTES ON NEW CONSTITUTION

BY GEORGE C. SIKES
Chicago

The document framed by the Constitutional Convention, which has been in session intermittently for more than two years, will be submitted to the people as one proposition at a special election to be held December 12, 1922. :: :: :: :: :: :: :: :: :: ::

THE outcome of the election on the new constitution, on December 12, appears uncertain. There is much opposition to the new document among extreme radical and labor groups. The Hearst papers are hostile because the convention rejected the proposal for the initiative and referendum. Followers of Mayor Thompson of Chicago are critics of the new constitution and it is expected that the Thompson organization will be in open opposition before the campaign is over. The entire document, with its many changes, is to be submitted as one proposition, thus inviting the cumulative opposition of those who may vote no because of dislike of this or that petty feature.

Speaking generally, it may be said that the conservatives are for the new constitution, and the extreme radical and labor groups against it, though of course there are many cross currents. Leaders of extreme radical and labor groups who dislike the new constitution because of things it contains and because of things it omits, seem to be influenced little by the progressive features of the new document, such as the direct grant to Chicago of large home rule and charter-making powers and of large borrowing power for the municipal ownership of transportation facilities.

A CONSERVATIVE CONVENTION

The members of the convention, judged as individuals, were unusually capable and high-class men, nearly all of the conservative type. Collectively, the convention might be characterized as an aggregation of independent-minded stars. It floundered badly for many months, and did not function at its best until the last few weeks before adjournment. It seems to some of us that the new constitution as finally framed is a much better document than was looked for during the middle of the session, and that it contains fewer objectionable features than anticipated. I am one of those who strongly favor the adoption of the new constitution, despite its shortcomings. A popular impression unfavorable to the convention was created during its deliberations that is likely to cause some citizens to vote against the new constitution without a careful balancing of beneficial features against objectionable ones. Prejudices and petty considerations are likely to weigh strongly with some voters.

TWO SPECTACULAR CONTROVERSIES

The two spectacular battles of the convention were those over the initiative and referendum and the plan to limit the representation of Chicago in both branches of the state legislature.

The proposal for the initiative and referendum was rejected. In addition, a section was inserted which is regarded as a flaunt to the advocates of direct legislation. It reads: "The republican form of government of this

State shall never be abandoned, modified, or impaired." It seems to many of us that this section has no practical significance and should be ignored, but it is the subject of much adverse comment. The form of government of the state is prescribed in detail in the constitution and cannot be changed anyway without amending the constitution. The section in question, if it means anything, can be modified by future amendment like any other part of the basic law. Quite clearly the provision would not operate to prevent legislation for the initiative, referendum and recall in local matters. Under the charter-making powers given Chicago that city, without legislative interference, can provide for the initiative, referendum and recall in municipal affairs if the people want these features.

The proposal for the limitation of Chicago's representation in the legislature was urged by down-state delegates, with the strong backing of the Anti-Saloon League. The delegation from Cook county, in which Chicago is located, threatened to bolt the convention if the proposal should be adopted. The matter was finally compromised on the basis of giving Cook county equal representation in the lower house in proportion to voting strength, but limiting it to one-third of the senate. Cook county has nearly one-half the population of the state. It seems to many of us that this compromise ought to be accepted, but it is the subject of criticism from both extremes—from those who insist that Chicago ought to be limited in both houses and from those who hold that any limitation, no matter how small, is wrong in principle.

CHICAGO'S HOME RULE POWERS

The most progressive feature of the new constitution is that giving Chicago large home rule and charter-making powers. It is significant that these powers are given only to Chicago, and not to other cities in the state. It is claimed there is much sentiment in down-state cities for additional home rule and charter-making powers, but if so that sentiment was not effectively represented in the convention. It might be added that in their personal views many of the delegates from Chicago were not in favor of popular policies made possible by the action of the convention, but they responded to what was believed to be the public opinion of that community on such matters.

The grant of home rule powers to Chicago is conferred in the following words:

> Except as expressly prohibited by law the city of Chicago is hereby declared to possess for all municipal purposes full and complete power of local self-government and corporate action. This grant of power shall be liberally construed and no power of local self-government or corporate action shall be denied the city by reason of not being specified herein. The city, however, may impose taxes and borrow money only as authorized by the general assembly or by this article.

The city of Chicago also is given directly by the constitution the power to frame and adopt its own charter. The city council is to provide for the calling of an elective charter convention, the work of which is subject to approval of the people on a referendum. As to structure of government, as distinguished from powers, legislative interference is prohibited. In this respect the charter is to prevail over state laws. The process of amending the charter is to be as provided therein. The general assembly is authorized to pass local or special laws relating to the municipal affairs of the city of Chicago, but such laws are not to take effect until the city consents. A law applicable to no other city

than Chicago is to be deemed local or special.

The city of Chicago, subject to regulation by general law, is given authority to "own, acquire, construct, operate, sell, pledge, lease or let public utilities or buy or sell the service thereof." With reference to utilities generally, this provision is not of large practical value because of lack of financial power. For transportation and water, however, the new constitution gives to the city of Chicago authority to issue such amounts of regular city bonds as may be needed, subject to approval on a referendum. This provision will enable the city to acquire and improve the local transportation system. When the city makes use of this grant of borrowing power in excess of the ordinary limitation on municipal indebtedness it must maintain rates of fare high enough to make the system self-supporting. A municipally-owned transportation must pay taxes like private property.

COUNTY GOVERNMENT

Illinois, like many other states, is sorely in need of reform of county government. Unwise restrictions in the present constitution make reorganization on sensible lines impossible. Practically all these unwise restrictions are continued in form in the new document. However, Section 166 gives the legislature authority, in disregard of these restrictions, to provide for thoroughgoing reform of county government, subject to the provision that the plan shall not go into effect in any county until approved by a referendum vote. Section 166 reads as follows: "The organization and government of and offices in counties as provided in this constitution may be changed by law uniform as to classes of counties; but any such law shall become effective in a county only after approval by a majority of those voting on the question."

COURT REORGANIZATION

Provision is made for court unification in Cook county. The circuit, superior, criminal, probate and county courts, the municipal court of Chicago, and the city court of Chicago Heights are to be merged into one court, with two divisions, civil and criminal. Advocates of court reform claim that this change is one of great value.

The judges of the circuit are to remain elective. Judges of the appellate courts, now designated as such by the supreme court from elective judges, are to be appointed outright by the supreme court.

The supreme court now consists of seven judges, one from a district. The seventh district, comprising Cook and four other counties, has over half the population of the state, with only one judge. Under the new constitution the supreme court is to consist of nine members, of whom three are to be elected from the seventh district.

The supreme court is given large rule-making powers for all courts, subject to the limitation that any rule may be set aside by act of the legislature. The supreme court is also empowered to designate the chief justice of each of the two divisions of the new unified court for Cook county. These provisions are praised in some quarters and criticised in others.

REVENUE

Dissatisfaction with the revenue article of the present constitution was one of the important reasons for calling a constitutional convention. However, the new revenue article is considered disappointing by many. In view of the differences of opinion among both the people and the delegates over revenue matters, and in

view of the disposition of the convention to adhere to the policy of the old constitution of dealing with such matters in considerable detail in the basic law, the difficulty of agreeing upon a new revenue article is easily understood. At least the new revenue article appears to be considerably better than the old one.

The requirement is continued for the general property tax, with uniform rate, with the exception that as a substitute for the tax on intangible personality provision may be made for an income tax. In addition, provision is made for a general income tax, with low exemptions. If the general income tax is graded and progressive the highest rate must not be more than three times the lowest.

In counties other than Cook, there must be a county assessor "selected as provided by law," to succeed the present township assessors. Cook county already has assessment by county assessors.

THE SHORT BALLOT

The majority of the membership of the constitutional convention was unfriendly to the short ballot policy and voted down proposals to reduce the number of state elective officials. However, as a result of the convention's work, if adopted, the ballot will be shortened somewhat. The clerk of the supreme court, and clerks of appellate courts, now elective, will be appointive by the respective courts. Court unification in Cook county will operate ultimately to reduce the number of elective court clerks in that community from five to one. Making appellate court judges appointive will reduce somewhat the number of elective judges. The legislature also is authorized to make the position of county superintendent of schools appointive instead of elective. Under Section 166, intended to authorize reorganization and reform of county government, supposedly it will be possible to reduce very greatly the number of elective county officers.

MINORITY REPRESENTATION ABOLISHED

The so-called plan of minority representation in the lower house of the legislature—long the subject of public complaint—is abolished. Instead of choosing three representatives from a district, under the plan of cumulative voting, representatives are to be elected from single member districts. To insure redistricting of the state, it is provided that in case the legislature fails to act, the new districts shall be made by three elective state officials. Although the present constitution directs a re-apportionment every ten years, the state has not been re-apportioned for over twenty years, with the result that there are now great inequalities of population.

THE AMENDING PROCESS

There is disappointment because the amending process is not made very much easier of use. But here again, the provisions of the new constitution, though disappointing to many, are a marked improvement over those of the old constitution. Under the old constitution but one article may be amended at a time; under the new, the legislature at the same session may submit amendments to two articles. Under the old constitution an amendment in order to carry must receive a majority of all the votes cast at the election at which submitted. This means that an elector voting for any official and not voting on the amendment is counted against it. Under the new draft an amendment will be adopted if voted for by electors equal in number to a majority of the votes cast for members of the house of rep-

resentatives. This means a substantial gain in ease of adoption of constitutional amendments on referendum. The old constitution provides that amendments may not be offered to the same *article* oftener than once in four years. The provision of the new draft is that amendments may not be offered to the same *section* oftener than once in four years. This is an important gain.

VARIOUS PROVISIONS

Some of the other changes made by the proposed new constitution are:

1. *Zoning and Excess Condemnation.* There are desirable provisions of importance about zoning and excess condemnation.

2. *Special Assessments.* The legislature is authorized to permit cities, villages, incorporated towns and park districts to *join* in making local improvements by special assessment.

3. *Legislative Procedure.* There are provisions designed to bring about improvement in detailed legislative procedure.

4. *Juries.* The general assembly is authorized to provide that women may be eligible to serve as jurors. It also may provide for juries of less than twelve in all civil cases. The right of trial by jury may be waived, except in capital cases.

5. *The Indictment Process.* There are changes in the indictment provisions of the bill of rights. Except in capital cases prosecution on information is to be permitted, at the instance of either the attorney general or state's attorney. No such information is to be filed by the state's attorney except by leave of court after a showing of probable cause.

6. *Bail.* The provision as to bail has been so changed that an accused person is not entitled to bail as a matter of right. Under the present constitution an accused person is entitled to bail, except in capital cases where the proof is evident or the presumption great.

7. *Local Control of Streets.* The provision of the present constitution forbidding the legislature to grant street railway franchises without local consent is broadened so as to forbid the grant by the legislature of the right to occupy streets or public grounds for any purpose without local consent.

8. *County Audits.* A uniform system of accounts for all constitutional county officers shall be prescribed and supervised by the state auditor, and their accounts shall be audited by him.

9. *Referendum.* The new constitution requires a referendum on all bond issues of the city of Chicago, except for refunding purposes. This is now statutory policy.

10. *Pension Funds.* There is a provision authorizing the general assembly to give a vested interest in the accumulated portion of any pension fund to which an officer or employee is required to contribute.

11. *Consolidation of Local Governments.* There are provisions designed to pave the way for consolidation of local governments in Chicago. It is doubtful if the provision for the merger of city and county is workable. There is doubt, too, as to the value of the features relating to the consolidation of the Sanitary District and Forest Preserve District with the city. Clear authority is given for the complete elimination within the city of Chicago of town governments that still have formal existence.

12. *Bible in the Schools.* There is a provision that reading without comment selections from the Bible shall not be held to be in conflict with the constitution.

13. *No Color or Racial Discrimination.* It is stipulated that laws shall

be applicable to all citizens without regard to race or color.

14. *Farm Loans.* The legislature is authorized to provide for lending money on farm lands in the state. Any act providing therefor must be approved on a referendum vote.

15. *Forestry.* The legislature is directed to pass laws to encourage forestry, and to that end it is authorized to classify for purposes of taxation, or to exempt from taxation, areas devoted to forests or forest culture.

16. *Waterways.* The legislature, without further referendum vote on that specific matter, is authorized to appropriate $10,000,000 for waterway construction, in addition to the $20,000,000 bond issue for that purpose approved on a referendum vote in 1908. On account of advanced prices, it is said the waterway cannot be completed for the original estimate of $20,000,000.

17. *Election Matters.* With respect to counties other than Cook provision is made by the constitution limiting elections to one a year—all to be held in November. As first offered this proposal was general in scope, but Cook county was eliminated from its operation because of the objections from Chicago. These objections were not based on Chicago's desire for more elections but to incidental undesirable features of the plan.

OBJECTIONS TO THE NEW CONSTITUTION

Among the reasons urged for voting against the new constitution may be mentioned the following:

1. Dislike in some quarters of the personnel and the generally conservative attitude of the convention that framed the new constitution.

2. Failure to provide for the initiative and referendum.

3. Objection to Section 21, reading as follows: "The republican form of government of this state shall never be abandoned, modified or impaired."

4. The revenue article is not satisfactory.

5. The amending clause is not satisfactory.

6. Dissatisfaction with the compromise provision about limitation of representation in the legislature both by those who object on principle to any limitation whatever, no matter how small, and by those who want Cook county limited in both branches of the legislature.

7. The supreme court is given too much power.

8. Objection is made to the change in the provision about bail in criminal cases.

9. Objection to the provision giving the attorney general of the state authority to institute prosecution on information in criminal cases, except capital cases, without leave of court.

10. Dissatisfaction with the addition of the words to "protect life and property" to the purposes for which the militia may be called out by the governor.

11. Dislike in some quarters of the provision that reading of the Bible in the public schools without comment shall not be held unconstitutional.

12. Fear of abuse of the power given the legislature to encourage forestry by classifying for purposes of taxation, or exempting from taxation, areas devoted to forests or forest culture.

13. Objection to the abolition of minority representation.

14. Objection to the feature of the plan of court unification for Cook county which will lead ultimately to the reduction of five elective court clerks to one.

While I sympathize with some of these objections none of them outweigh the desirable features.

"THE BUDGET AND ACCOUNTING LAW, 1921"

SIGNIFICANCE OF THIS MEASURE AS A DEVICE TO INSURE COMPETENCE AND FIDELITY IN THE MANAGEMENT OF A GREAT PUBLIC TRUST

Our Standard for Judgment of Institutional Worth

At the outset the writer confesses to a charge frequently made that he is "an idealist"—makes this confession as a way of getting before the reader the first premise of his reasoning, viz.: that only an idealist can be "practical" about anything; that anyone who is practically useful as guide, whether of his own action, or as leader or critic of others, must have a very vivid conception both of end most to be desired and of means to the achievement of that end. With this side note, let us consider the standards set up by the designers and builders of that great institution, "The government of the United States of America," an essential modification of which is now before us. Can there be any difference of opinion as to what their ideal was? So far as related to the matter in hand, was not the measuring stick by which they judged the fitness of things that fundamental tenet of political faith which ran through all the thought of their time, and which is just as sacred to us to-day? Was it not this, that all governmental institutions are only devices for realizing the ends and purposes of a self-determining political society; that government is a mechanism made up of human parts to be employed in working out the group will; that constitutional government is an incorporated trusteeship, and that all persons employed in it are persons called upon to give up selfish pursuit and dedicate themselves to serving the people as beneficiaries? Was it not this note in the call of Lincoln, when individual and sectional creed threatened the foundations of good will on which the institutional superstructure was built—was it not this note which made his Gettysburg address immortal?

Separation of Powers Meant Audit and Control

With this fundamental conception in the minds of those great idealists (practical men) chosen by the American people to act as their attorneys in drafting the charter of their national service agency (their deed of trust)—when they got together in Philadelphia in 1787—they busied themselves, not in controversy over the fundamental purpose, but with the consideration of the practical means of achieving it. Their thought at once turned to the arrangement of the human parts of the new corporate body they were about to create; and their one care was to make sure that the entrusted powers and estate would be faithfully and efficiently administered. Having agreed on a principle of corporate organization which had been tried and not found wanting, the convention took on the character of a group of lawyers and business men engaged on drawing up and critically discussing the articles of the deed of trust through which this principle

was to be made operative. In the lingo of political discussion, this principle has come to be known as "the separation of powers."

Simply stated, it is this: That fidelity and competence in the administration of a trust can be assured only when provision is made for *audit and control* as well as for execution. And since audit and control has been found to be a matter of practical necessity, this function must not be confused with administration—the thing to be controlled.

The minds of those who are called upon to review critically the acts and proposals of executors must be kept clear, so that when sitting in critical judgment they may have an eye single to the interests of the beneficiaries.

We may differ, as others have, in our interpretations of the aims and purposes of members of the constitutional convention so far as these may relate to specific devices for making this controlling principle effective, but there is no divergence of opinion on this point. We may question the capacity of the makers of our constitution as architects, we may say that they had little experience in democratic institution building. But fourteen years of experience with governing devices in which responsibility for *administration* had been confused with responsibility for *audit and control* gave to them a very practical basis for negative judgment. The town meeting and Montesquieu's treatise on the English Constitution, together with their inherited traditions and historic knowledge of the struggle for the right of the representatives of the people to audit and control the administration gave them their positive basis for reaching this conclusion. The result was that when the draft was completed the principle of separation of powers in these lines found expression in Articles I and II. In Article I an organ or agency independent of the authority of the executive is set up with fullest powers of audit and control. In Article II is set up a single-headed agency for exercising "the executive power." And over and above both of these is set up another organ or agency of audit and control—the electorate. Provision was also made, based on experience, for changing both the personnel of administrative leadership, and the personnel of the controlling body, in case anyone in either or both these branches might prove unwise, incompetent, or unfaithful to his trust. This was done by making the electorate (i.e., the great democratic body of voters) an agency of final review and determination. These are vital things written into our fundamental deed of trust to insure competence and fidelity: A chief executor; a board of audit and control; an electorate — each having a sacred duty to perform, each made independent with a view to maintaining the confidence and good will of the people.

THE MACHINERY FOR AUDIT AND CONTROL

In the draft of the constitution (our deed of trust) nothing was said about the kind of organization which must be set up for *administration* except in two clauses: (1) That clause which vests "the executive powers" in the president; and (2) that clause which empowers the president to require "the principle officers of each of the executive departments" to report to him "upon any subject relating to the duties of their respective offices."

With respect to organization and procedure for exercising the function of audit and control, however, the

deed of trust was more explicit. To insure that the body instituted to perform these functions might be *representative*, and that action might be *deliberate* with opportunity for *review, criticism, and discussion*, congress was required to meet in two separate chambers—one composed of representatives of constituencies organized as "states," the other composed of representatives of smaller districts. These houses were to meet and organize as vicarious town meetings; before the membership, from time to time, the president must come (and Washington the head of the convention, evidently understood the constitution to mean that the heads of departments were also expected to appear before them to give an account of stewardship); each house was given fullest inquisitorial powers; all administrative measures, plans, or proposals must first be approved before the administration would have authority to execute them and this approval must take the form of a majority vote in both houses; finally as an effective means of preventing an unauthorized or unapproved use of power on the part of an executor of the trust, this bicameral board of censor and policy determiners was given "control over the purse."

PROVISION FOR PUBLICITY

Great care was also taken to insure that the "electorate" (the body of voters created by the constitution as the final arbiter of disputes and the chooser of "representatives") be kept informed. Accounts of stewardship must be published; all regular meetings of both branches of the board of control must be kept open to the public; each house must keep a journal of proceedings open to public inspection; the beneficiary was to have full opportunity to keep informed—as well as was his most immediate contact in the incorporated trusteeship, the voter. Not only was provision made for individual public inspection and report, but also for the fullest dissemination of facts and fullest discussion of acts and proposals both of administrators and of members of the auditing and controlling branch; this result was assured by specifically restraining everyone to whom powers were given from interfering with the right of free speech, free press, and peaceable assembly; then finally it was written down that members of congress must periodically return to the people, by expiration of a fixed term, in order that the acts and proposals of the executor of the trust estate, and their own acts as auditors and primary controllers, might be reviewed. And if as a result of either representative or public inspection it appeared that an officer was abusing his trust, he could be summarily mandamused, enjoined, or removed,—the first two remedies being put into the hands of the courts, the third into the hands of the board of the representative body acting as a board of control. Thus was the principle of popular sovereignty to be protected and the "vote" made effective on every occasion when the final arbiters (the electorate) might have brought before them the question as to whom they would choose to represent them at the next vicarious town meeting, and questions of policy taken to the electorate on appeal.

Results Which Have Suggested Need for Change

No other conclusion can be reached than this; that the record of the last one hundred years cannot be reconciled with the fundamental conception that "a public office is a public trust." It is a record of subversion; of spoliation of public enterprises, public lands, the public purse. Turning from this

record of organized exploitation to the institutional means developed and employed by persons who, because they were trusted in positions of leadership or other service, were able to use their powers for enrichment or other benefits to themselves and their associates, and considering the manner in which the system has been worked out and the reasons given in support or defense, we are reminded of the adage "the devil can quote scripture for his own purposes." At every turn the principle of "separation of powers" has been pleaded as a cogent reason for measures aimed at its violation.

AN IRRESPONSIBLE EXECUTIVE

Whatever opinion may be held on the subject of the relations of *executive* to the auditing and controlling body (*congress*), there is no difference of opinion about the original intention to centralize executive responsibility in the president. Yet what has been the result of the exercise of powers given by the constitution "to make all laws which may be necessary and proper for carrying into execution the . . . powers vested by this Constitution." The following description of the administrative machinery actually developed, under the pretext of "separation of power," is taken from the writings of Dr. Walter F. Dodd, one of our best authorities in matters of this kind:

> In the federal administrative organization at the present time [1921] powers are in the main not vested in the department; and in the performance of their statutory functions a large number of federal bureaus within the ten departments are substantially as independent of the head of the department as they would be of an outsider.

A BUREAUCRATIC ADMINISTRATION

This is quite a different order of things than we find described in our school text-books and by campaign orators who give us to understand that the simple arrangement for locating responsibility in the executive laid down in the constitution obtains. That this organization has been imposed by congress we cannot question. Dr. Dodd goes on to say:

> Under the federal system there has been a theoretical subordination of bureaus to the president, but this subordination is largely theoretical because of the steady growth of independent functions vested by statute in the various bureaus, such functions being exercised to a large extent independently of the head of the department.

Now how is this related to the question of executive trusteeship and accountability? Commenting on this Dr. Dodd tells us:

> In connection with the recent budget proposals, the most serious defect in the federal administrative organization from the standpoint of real responsibility has been exalted into a virtue; and it has been urged that one of the merits of the new budget system established by act of June 10, 1921, is that the budget director is to exercise his powers by virtue of statute or of executive regulations independently of the department in which he is nominally placed. So long as the federal administrative system has a theoretical organization of ten departments, but practically an organization into independent units within departments, there can be no effective responsibility of this administrative organization to the President.

What has happened to the very simple device for audit and control (patterned after the town meeting but adopting the representative system in order that the town meeting idea might be made practical for a national voting electorate)—what has been done by congress in the exercise of its powers to make rules or laws which may be necessary and proper for carrying into execution the powers granted to that corporation which now employs more than a million servants and which administers an entrusted estate that

touches the everyday lives of one hundred million people—what has been done by congress to insure fidelity and efficiency in the expenditure of over three billion dollars each year? For description and characterization we may again turn to the writings of persons who speak with highest authority. And no other conclusion can be drawn from these than that indicated above: Every intention of those great men who wrote the constitution has been defeated. Not only has the line of executive authority and responsibility in administration of the trust been tampered with, broken and destroyed, but also responsibility for audit and control has been disseminated and processes of inquiry, review, and discussion have become secret and collusive,—real effective leaderships being directed to controlling the electorate instead of being controlled by it; laws have been passed and organizations effected whose sole aim has been to subvert the electoral function to the selfish uses and purposes of those who were looked to for leadership and away from the uses and purposes of the legally constituted beneficiaries. Thus we become aware that the institutional design has been systematically aborted for a hundred years. Thus we are led to inquire into the character of the alterations made prior to the budget enactment, having in mind this institutional purpose.

"THE LITTLE LEGISLATURES"

Fifty years ago Senator Hale, an outstanding man of his day who served so long in congress that he was accorded the title "Dean of the Senate," told the American people in his autobiography that congress had long since lost its character as a vicarious town meeting; that instead of conducting its deliberations and reaching its decisions in open forum as contemplated by the founders of the government, it had split the membership of each house up into a lot of "little legislatures" in which the real business of this branch carried on its business behind closed doors—so that even the members, to say nothing of the public, could not know what was going on. Characterizing the result he went on to say:

> Hundreds of measures of vital importance receive—near the close of the session, without being debated, printed or understood—the constitutional assent of representatives of the American people.

A few years later Woodrow Wilson thus characterized the situation as it has remained to the present day.

> For a long time, this country of ours has been lacking one of the institutions which freemen have always and everywhere held fundamental. For a long time there has been no sufficient opportunity for counsel among the people; no place or method of talk, of exchange of opinion, of party. . . . Congress has become an institution which does its work in the privacy of the committee room and not on the floor of the chamber.

"GAG-RULE" AND "THE BOSS"

The relation of the breaking down of the line of executive authority and responsibility to the breaking up of the vicarious town meeting into a lot of "little legislatures" can be understood only when it is known that the bureaus by operation of statutes have been linked up closer and closer to the secret processes of the standing committees (these "little legislatures"), which in turn are headed by persons who owe their positions of leadership and control to secret irresponsible organizations outside of congress, whose stock in trade is the patronage and the "honest-graft" obtained by appropriations rubber-stamped by congress, which has applied "gag-rules"

to put through the scheduled projects planned in these "little legislatures" in conference with bureau heads and their subordinates. And this helps to an understanding of the significance of the statement made by Dr. Dodd, above quoted, that the department heads and the president are rendered practically helpless—rendered helpless by the statutes passed by congress on motion of the heads of the "little legislatures." And along with this has grown up that protective process called "red-tape"—corresponding to the folk-ways of primitive people, developed to protect the bureaucrat in a régime in which those who are charged with responsibility to the electorate seek to avoid it by "passing-the-buck," a phrase so well known in Washington that it needs no apology.

Changes Under The New Budget Law

So far we have been dealing with preliminaries—setting up our standard, measuring the structure as it stood before the new law was passed, considering its adaptability to the purpose for which it was designed. Now we come to description of changes made under authority of the "Budget and Accounting Act, 1921," and the accompanying "Resolutions" to change the rules of each of the two houses of congress.

CONGRESS INNOCENT OF DESIRE FOR RADICAL CHANGE

The statute referred to provides for setting up a budget bureau, nominally in the department of the treasury, but responsible to the president; and for a new "Office of Controller General of the United States," independent of all other branches, departments, and authorities—as independent as the supreme court—the head of which with his "assistant" is appointed by the president "with the advice and consent of the senate." When it comes to analyzing the motives of congress at the time the budget and accounting measure was put through, it can only be said that it was evident that few members had an idea of what it all meant; few, if any, thought that it could do more than possibly to make the housekeeping a little more orderly and lessen for the time being the complaints of a disgruntled constituency. Not a note was sounded among them to indicate that an effective gearing in of this new mechanism of control would require a realignment of all the machinery and power transmission in the political plant.

Yet this is an idea that has now begun to percolate: The establishment of responsible executive leadership in matters of administration and finance necessarily means that the old scheme of irresponsible leadership, the very vitals of the old régime, must be "knocked into a cocked hat"; redefinition of administrative authority on lines consistent with responsible leadership means death to bureaucracy, the needed instrument and product of the old régime; the introduction of a central agency for prescribing administrative procedures and uniform accounting and reporting means the breaking down of the little monopolies—the walls behind which collusion in subversion of the trust has thrived; publicity through open-forum methods of review, criticism, and discussion, means an informed electorate and increasing difficulties to those who organize to subvert and control the machinery of nominations and elections.

THE NEW OFFICE OF COMPTROLLER

Nor was there any cause for alarm to the old régime when it came to

setting up the office of comptroller of the United States—although its independent auditing and controlling powers were great. Up to the very last throughout the five months of the Constitutional Convention, the *Custodial* junction, as distinguished from the *Administrative* was kept separate and apart. The Treasury was to be made independent. Finally the Treasury and the executive were merged. Now an office of Controller was set up to check the Custodial function under the executive. And it went farther. It was to enforce that Constitutional provision requiring that "a regular statement and account of the receipts and expenditures of all public money shall be published from time to time;" and to insure that these statements and accounts should be true. By law this office was made an independent branch of the government, and to it was given powers different from but equal in importance to the executive and the judiciary. As an auditing organization, it was charged with the duty of critical review of and report on every transaction conducted by an administrative office or agency; in arbitral functions it was given the powers of a supreme court to adjudicate any and every controversy arising out of contractual relations with the government. But this great, new, independent controlling device was geared in without a jolt or squeak in any part of the going machine—without noticeable change in the established order outside of the six treasury bureaus involved. This was done by appointing as the head of this great office a man of political wisdom—his experience for the discharge of the functions having been gained through service as clerk to a well-known western senator, and later as the office-head of the Republican party machine at Washington. This fact is noted not with the thought of detracting from any estimate of integrity, foresight or ability of Mr. McCarl or what he may achieve during the fifteen years of his legally established tenure, but as suggesting a reason why the country heard no noise and felt no tremor when a new, great, independent branch—co-ordinate with the three branches set up by the constitution and having in its employ thousands of employees—was put into operation.

GENERAL DAWES, BUSINESS MANAGER

The first jolt in the machinery, the first great noise, came with General Dawes, who was appointed by the president, director of the budget. This was shortly after the law was passed (June, 1921). To make a budget an effective instrument of executive accountability ("at once an account of stewardship and program of service to be financed"), in the circumstances described, required a man of energy; to use the powers given to him by statute in a manner to enable the president to become a responsible executive without making a consummate ass of himself every hour of the day required organizing ability; to cope with an existing "system," in which every personal relation and tradition was opposed to centralized executive leadership, required a man of courage; and beside all this he must be a man who commanded the confidence and had the support of the president. General Dawes was all these kinds of man and several others.

CHANGES IN THE EXECUTIVE BRANCH

The first week after his entry (let us say re-entry) into the arena of political life something remarkable happened. All the heads of departments, divisions, bureaus, and subdivisions of bureaus in Washington

were called together under the authority of the president and (with his blessing given at the meeting,) were organized as "The Business Organization of the United States." This organization, they were given to understand (cabinet offices and all), was by the president placed under the direction and control of the director of the budget as chief of staff—his purpose being thereby to establish central executive control. The president told them that his ideal was a well-organized business concern with a chief executive at the head of the "line," who (in order to become effective) had collected around him an able "staff." The part assigned to members of cabinet and heads of bureaus was to serve as the line of authority in everything except staff matters. In these they served only as clearing offices. The next move was to set up *liaison* groups, called "co-ordinators"—made up of specialists chosen from each of the bureaus handling kindred subjects. All this was outside of the purview of the framers of the act, but without which very little could have happened except to carry on the routine functions of the three "divisions" established in the law, viz.: the divisions of estimates, investigations and law. These divisions were manned, feebly be it said, but sufficiently for the work then to be done, for the division "of estimates" could do little more than make up the first budget with scissors and paste, the best that could be done in the circumstances—and the divisions of investigations and law were expected to do little within the year General Dawes agreed to act. The real work of these statutory divisions was left to be developed very largely by his successor, General Lord—a man of exceptional qualifications.

BREEDING THE WALLS OF THE OLD SYSTEM

The real job to be done by General Dawes during the year was to prepare the way—by smashing in the entrenchments of bureaucracy. And to this end President Harding lent his authority—following the central staff organization described above with an order from which this language is taken: . . . "His (General Dawes') calls upon the chiefs of bureaus and other administrative officers for purposes of consultation and information take precedence over the cabinet head." And most significant of all was the order which put the breath of life into the *liaison* organization, viz.: "The decision of the chief co-ordinator in all matters of co-ordination shall be final." The only right or standing which a cabinet head had was that he might appeal to the director of the budget within four days, and then, if he was not satisfied, he might appeal to the president, being given only six days more, however. At the end of ten days all rights lapsed.

CHANGES IN CONGRESSIONAL PROCEDURE

Another jolt was given to the old régime in the house. Here when the new centralized appropriation committee was organized, these things happened: (1) The "rule of seniority" was set aside; (2) an agreement was entered into that the amount of the president's budget request for a support of a bureau or service would be the *maximum* which might be written into the appropriation bill prepared by the committee, and recommended for favorable consideration; (3) they agreed not to hear any head of a bureau on a question of policy which had been under consideration and passed on by the executive head, his chief of

staff; (4) that "riders" on appropriation bills would not be permitted. These decisions if adhered to must breach the four walls of the "little legislatures." And in the main they were adhered to in the last session—the chief departure being the result of enormous pressure to recommend several millions more for "Rivers and Harbors" than the president asked for. In two of these respects the senate committee finally fell into line. But they saw to it that the "rule of seniority" was not impaired; and they did not propose to surrender their trading advantage with the executive—they holding "control over the purse," he having the right to "veto" and appoint with their "advice and consent."

A FIRST STEP TAKEN—WHAT NEXT?

This has been the start made during the first year. And as a start it is the most significant happening in our institutional development since the Civil War. Its significance, however, depends on the persistence of that public demand which made even the start possible—a public demand which will get behind leadership in the reconstructive process, and insist that such notifications be made in organic arrangements as will insure both responsible leadership, and to this end visibility. All those arrangements and processes developed since the constitution—adopted to intercept and destroy responsibility, and to insure secrecy in the interest of individual or group selfishness—must be torn out. This must be done before the constitutional organs for insuring accountability and publicity, as set up by our constitution, may function.

VOTERS STILL IN THE DARK

When looked on thus broadly, even the complete fulfillment of all that was contemplated in the new Budget and Accounting Law could not possibly be more than a start; for it deals with only one phase of the problem. It is a design for making executive leadership effective and accountable for technical compliance with the law. But the real problem has not been touched—the problem of devising ways and means whereby each voter and each member of the congress may act intelligently as a juror; for we get the best vision of our constitutional plan when we think of both "the congress" and "the electorate" as juries (the first organized as an initial trial court, the second as a high court of final appeal and review of the record), and like the common law jury system it was instituted as a means of keeping strong the foundations on which all our institutions rest, the confidence of the people—their good will. This is the end, the real objective. Without this end fairly within our reach, what has been done must be appraised as worthless. And be it observed that with the new budget and accounting law in full operation the government is still carried on just as secretly as before; both members of the congress and voters are just as innocent of what is going on behind the scenes; secrecy and collusion is still undermining the good opinion in which our institutions are held; our public servants are just as much distrusted as before the law was passed.

PROPOSAL TO KEEP CONGRESS AND VOTER INFORMED

Democracy insists that its leaders shall be made responsible; and to this end it insists on being kept informed. The budget method has proved the only way of doing this; because it is adapted to the uses and purposes of a representative government—to carrying control over leadership down

to the people. As bearing on this principle something has been happening, also not contemplated, which is reassuring—something which holds out a promise that the processes of control will finally reach the voter. While the need for a budget and accounting control has been under discussion, a very definite body of opinion was being formed which has insisted that congress shall so organize that in this constitutional forum what has been done and what is being proposed by the administration may be dramatized. This takes concrete form in proposals to "put the cabinet on the floor of congress"—to bring the chief executives of the trust before this representative jury in this court of inquest.

EVIDENCE OF PRACTICABILITY TESTIMONY OF EXPERTS

This conclusion had long since been reached (in 1881) by a select committee of congress in a report bearing on what was then regarded as an irresponsible use of executive power—the remedy proposed by them to put the cabinet on the floor. First be it said that the report was signed by four Republicans and four Democrats, which deprives it of any partisan significance; that the four Republicans and four Democrats were outstanding men, namely: Mr. Allison of Iowa and Mr. Blaine of Maine, Mr. Ingalls of Kansas, Mr. Platt of Connecticut, Mr. Voorhees of Indiana, Mr. Pendleton of Ohio, Mr. Butler of South Carolina, and Mr. Farley of California. On the constitutional aspect of the proposition this committee of eminent lawyers came to the conclusion unanimously that it was not only in harmony with it but much thought of as within the intent of its methods. On the question of expediency they were also quite as positive.

Their report was not favorably received at the time by the heads of the "little legislatures," the leaders in congress. They saw, as did the congressional leaders in earlier days, a very grave danger that just as soon as a responsible leader was permitted to enter the front door, irresponsible leadership must go out the back way.

SOME STRAWS WHICH SHOW THE DIRECTION OF THE WIND

Now after the further lapse of time, three other things have happened which are significant: (1) In 1921 three bills were introduced to put the cabinet on the floor; (2) the National Economical Council sent out a referendum to its membership, and the returns show that 96 per cent were in favor of responsible executive leadership, 92 per cent being in favor of putting the cabinet on the floor; (3) The National Budget Committee, a propagandist organization, made up largely of men of affairs, after the budget and accounting act was passed, turned its forces to a campaign of popular education to demand that the cabinet be put on the floor.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Items Reported by American Civic Association. *No Civic Center for Toledo.*—The city council of Toledo on September last repealed its action taken several weeks earlier to submit the civic center project to the voters on November 7. This action meant that the project, which was defeated at the August primary and which had been authorized to be placed on the November ballot, did not in fact appear on the ballot.

This is an economy year, but it is possible for a city to "save beyond its means."

Altoona Surveys Housing Neads.—The Altoona, Pennsylvania, Chamber of Commerce has appointed a housing committee which is making a survey to determine Altoona's housing needs. This committee is also considering the matter of financing both the builder and the ultimate purchaser.

Five and six per cent money with no commissioner or bonus will help. Elimination of waste, systematic supervision in construction and consecutive labor will help. Intelligent planning of houses, good material and careful craftsmanship will help. It is also to be hoped that Altoona will not follow the example of many cities which have overbuilt in expensive houses and apartments and neglected the low-cost house.

Milwaukee to Re-Number Houses.—The citizens of Milwaukee have decided that they have an antiquated and confusing system for numbering their houses. The common council has under consideration a new plan which would establish base-line streets and the principle of 100 house numbers to the block. The plan has been supported by sixteen civic societies and opposed by one. The stranger within the gates will appreciate a system of house numbering which makes it easy to locate addresses.

Those Who Don't Go to the Movies.—A university president and a member of the women's municipal league of New York agree that the educational value of the motion-picture is greatly exaggerated for the very good reason that there are, apparently, many people who seldom patronize the motion-pictures but who use their eyes to read the really inspiring and educational articles which appear in the best of our periodicals. No one knows yet whether these individuals are the last of the conservatives or the front ranks of a new army of progressives.

Smoke Control.—The director of public safety in Cleveland has promised the Women's City Club that the smoke commissioner who is to be appointed will be fitted to do constructive work by reason of his technical training and that he will be instructed to co-operate with the smoke committee of the Women's City Club. Smoke committees are finding much discouragement in the increased use of soft coal occasioned by the shortage of coal this year; but they are all the more needed for that.

Weekly Highway Maps.—The City Club of Milwaukee posts on its blackboard highway maps issued weekly by the State Highway Commission to show the current status of all roads in Wisconsin, a service which is no doubt much appreciated by the motorists of the state.

To Eliminate Grade Crossings.—The city planning commission of Toledo reports 148 grade crossings and 32 grade separations. Construction is now under way to change one important intersection and the council has before it an ambitious five-year program to eliminate all of the important grade crossings.

New City Planning Bulletin.—On October 1 appeared No. 1 of Vol. 1 of *City-Facts*, published by the Buffalo City Planning Association, Inc. The panel on the back presents the future program under ten headings, which are to be elaborated later. *City-Facts* is quite as persuasive as its predecessors, the series of bulletins by which the Buffalo City Planning Association sold the city plan and the civic center idea to the people of Buffalo.

Shall Manufacturers Invade Washington?—There is a noisy agitation to persuade manufac-

turers to come down on the banks of the Potomac and erect smokestacks enough to raise a smoke screen between Washington and the shores of Virginia. Since, however, the boundaries of the District of Columbia extend to the high-water mark of the Potomac on the Virginia side, it is to be hoped that such an invasion will not be permitted. Which reminds us to inquire, will the time come when the recession to Virginia of that part of the District of Columbia which congress thought unnecessary ever be declared unconstitutional? If so, will that bring Alexandria and the surrounding territory again into the District of Columbia? In these days of regional planning it has come to be pretty generally recognized that the L'Enfant plan as amplified by the McMillan committee cannot be protected unless the environs of Washington are controlled. Even the original District of Columbia was only ten miles square. With 3,026,778 square miles in which to develop industry in the United States it does seem as though the utilitarians might allow Washington to continue to be what its founders had in mind—the Federal City, and the Federal City only.

HARLEAN JAMES,
Secretary American Civic Association.

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Vicissitudes of Lincoln's Municipal Coal Yard.—The essence of the municipal home rule amendment of the Nebraska constitution, adopted in 1913, follows: Any city having a population of more than 5,000 inhabitants may frame a charter for its own government consistent with and subject to the constitution and laws of this state.

In 1917, Lincoln, now a city of approximately 60,000 population, framed a home rule charter. In 1921 the council passed an ordinance providing for a municipal coal yard to purchase and sell coal and wood as other retail dealers, with some limitations. There were at that time twenty-one private dealers in fuel in the city. During the last winter the city sold over 8,000 tons of coal. Advocates of the city yard claim that its operations caused a material reduction in the price of coal over that of the preceding winter.

Last summer the coal dealers attempted to induce the district court to enjoin the continuance of the municipal yard, but the court sustained a general demurrer to their petition and the case was appealed to the supreme court.

The argument of the dealers was that the legislature had not empowered the city or its authorities to sell fuel, that the home rule clause confined the character of the charter to provisions relating to the government of the city as a public corporation, that unless the charter power should be thus confined to the language of the constitution the "door would be open to the ambitious politician, the theorist, the socialist, the bolshevist, or any political boss with a following, to exploit the interests of the city by engrafting his selfish schemes on the charter of the municipality," that there was not in this case, as in the Portland case, any emergency claim nor any decision by legislative authority that dealing in coal is a public utility, and that the home rule charter is a grant of power and not a limitation of power.

The city attorney's brief conceded that the city is subject to legislative restrictions on the extent of authority and the manner of its exercise, if these are expressed in general state law, but contended that the people of the city had stepped into the place of the legislature in reference to the grant of municipal powers, and that the people of the city had followed the plan of the people of the state with respect to the constitutional powers of the state legislature, in granting the council of the city all legislative authority possessed by the city as such, and that in Nebraska the rule that the home rule clause is self-executing has been accepted without conflict.

The court, apparently conceding without consideration the public nature of a municipal coal yard, held (189 Northwestern 643) that the charter is a grant of power to be construed according to the same rules as a legislative act containing the same provisions, that the provision of the charter that "the council shall have . . . all . . . legislative powers and duties," does not confer legislative authority beyond that necessary to the exercise of the powers specifically enumerated, and that the clause of the charter authorizing generally the acquisition and operation of plants for furnishing light and heat does not include power to maintain a coal yard, expressing the opinion, however, that the city might have adopted a charter either as a grant of power or as a limitation of power.

The council at once submitted for popular consideration at a special election a charter amendment empowering the council to establish a coal yard, which, in an exceedingly light vote

was approved almost eleven to one. Initiative petitions had in the meantime been presented intended to authorize the city council to establish a lumber yard and a general merchandising business, either in a spirit of humor or, more probably, to discredit the coal yard proposition. The signatures were, after much counting, found insufficient, and their authors did not present them at the general election.

Coal is being sold at the "muny" yard.

Lincoln boasts a large percentage of home owners and philosophically is not inclined to socialism at all.

RALPH S. BOOTS.

✠

California State Issues.—Although the following measures were all defeated by the people at the November election, they are significant and in principle are not settled yet.

Number 30 on the California ballot was a proposition submitted by the initiative to add a section to Article 12 of the constitution. It gave the railway commission exclusive power to grant determinate or indeterminate franchises for street, interurban and suburban railways, and motor stages, to prescribe the terms and conditions of the grant and regulate rates. It further was authorized to accept the surrender of existing franchises upon petition of the companies. It provided that if a municipality or political subdivision took over the utility the franchise should have no pecuniary value in fixing the value of the utility; nor should the franchise have a value in rate fixing.

The California Real Estate Association claimed the authorship of this amendment. Many local real estate organizations and chambers of commerce accepted the state association's arguments for this proposal. Almost without exception city officials declared against it. The California League of Municipalities was solidly against it.

The Realtors declared that only by the process can lines be extended, service standardized, capital secured and many burdens such as paving, for instance, be thrown off transportation's shoulders. The argument sounded excellent to men who are selling subdivisions which have no transportation service. It also was alluring to those who realize that our metropolitan communities are being throttled by local interests. It seemed to many the only way out of the pulling and hauling of local competing bodies.

It would seem to the writer that rather than fly to a state commission for the settlement of such a distinctly local administrative difficulty there should be established a metropolitan transportation district for San Francisco, for Alameda county and for Los Angeles county.

It is charged by members of the legislature and by local officials that this amendment was the child of the transportation and utility interests who have become converts to the theory of state commission regulation. A similar measure failed to pass the last session of the legislature.

Number 10 on the California ballot was an initiative proposal to add a section to Article 13 of the constitution to rescind the tax exemption now operating in favor of publicly owned utilities and subject city or district public service enterprises to state taxation. An exception was made in the case of municipal water works. The reason for this submission was transparent and on the face of it it seemed logical that all public service enterprises, whether private or public, should be put upon the same basis. Should all utility enterprises become publicly owned the state revenues (which come only from corporation taxes) would be cut down materially.

On the other hand by taxing a governmental operation, tax money goes from one pocket to another and the public is poorer by the amount necessary to administer the tax.

The proposal would probably have discouraged some communities from attempting public ownership.

There was another measure on our ballot which indicates that the public service companies have found the initiative a useful device. Number 11 provided that all publicly owned utilities should be subject to the jurisdiction of the state railroad commission in all respects, except as to the issuance of securities, that private corporations are.

C. A. DYKSTRA.

✠

Tentative Charter Provides P. R. for New York.—The New York charter commission has adopted, as a basis for discussion, the draft of a new charter prepared by its counsel, the outstanding feature of which is the adoption of proportional representation for the election of the board of aldermen. There is strong sentiment in New York in favor of increasing the legislative functions of the board. At

present many matters, which should properly be the subject of ordinances, are handled by the legislature at Albany. But to increase the power of the board of aldermen as at present constituted is unthinkable. Not only are the members of average poor quality, but, as a recent report shows, a majority of them are elected by about 30 per cent of the voters.

Inasmuch as greater home rule will require that the aldermen be more than a nominal legislature, proportional representation is the easy and logical method for securing proper consideration for all elements in an extremely diverse population. In no city in the world is the problem of adequate representation so serious as in New York.

⚜

Home Rule Postponed in Wisconsin.—The referendum for a constitutional amendment for home rule in cities of Wisconsin which was to have taken place November 7 has been delayed at least two years through a decision of the Wisconsin supreme court. A technical error in procedure when the legislature adopted the necessary resolution in 1919 rendered that resolution null and void. In Wisconsin constitutional amendment is secured by joint resolution adopted by two successive legislatures followed by referendum.

The wording of the proposed amendment is as follows:

> (Article XI) Section 3. Cities and villages organized pursuant to state law are hearby empowered to determine their local affairs and government, subject only to this constitution, and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or village. The method of such determination shall be prescribed by the legislature. . . .

This provision is more brief and consequently broader in its scope than the home rule provisions in other state constitutions. It does not include charter-making procedure. The legislature will provide for this after the amendment has been approved.

LEO TIEFENTHALER.

⚜

Kansas City Completes Draft of New Charter.—The charter now before the people of Kansas City for adoption is not a manager charter, although a stiff campaign for this form was carried on. It is, however, an improvement in many respects over the present antiquated document. Kansas City is one of the two or three larger cities which retains a bi-cameral council. The provision in the proposed charter for a single-chamber council is therefore a distinct gain. The Kansas City Public Service Institute believes, however, and in this we concur, that the number of members, twenty-four, is too great. The mayor is given exclusive appointing power with respect to the heads of the six departments, viz., law, finance, public works, safety, parks and welfare. A modern budget system is provided.

⚜

Pay Roll Padding Uncovered in Des Moines.—The old-fashioned game of padding the public pay roll, considered usually as a relic of earlier and cruder days, has been uncovered in Des Moines. The first discoveries were made by the Bureau of Municipal Research which turned over its findings to the state auditor, who is now proceeding under grand jury indictments. The principal irregularities were in the departments of parks and public property, streets and public improvements, and in the garbage collection division of the department of public safety. Already six indictments have been issued and more are pending. The resignation of one council member is expected.

⚜

Municipal Ownership in Canada.—The Citizens' Research Institute of Canada (Toronto) reports that the number of publicly owned utilities is growing throughout Canada. The Institute has tabulated the figures for 57 cities, Montreal being excluded because the facts were not available. All these municipalities, with one exception, own their water works. Thirty-seven own the sources of their electric light and power; fifteen own their street railways. The net per capita public utility debt for the fifty-seven is $73.33.

⚜

Arizona Sticks to Direct Primary.—In a special election recently the people of Arizona refused to adopt a constitutional amendment which would make possible a return to the convention sytem. Efforts to develop the pre-primary convention also ended in disaster. One such unofficial convention was held, but its nominees were all defeated in the following primary. In Arizona, as in some other western states, the support of the machine is often a heavy handicap.

Municipal Cleaning Cheaper.—The department of public works of Philadelphia is asking an appropriation for street cleaning for next year of $1,000,000, or 20 per cent less than the cost for 1921, the last year under the private contract system. The work for 1922 will be done for $230,000 less than was anticipated by the budget.

II. CITY MANAGER NEWS.

Annual Convention in Kansas City.—The city managers' convention was held in Kansas City, November 14, 15, and 16. Over 100 managers attended and a very instructive and interesting program was provided. Considerable local interest was shown by Kansas City organizations. Some features of the convention were an address by Governor Allen, a debate on public ownership and a competition in which the annual reports from all city manager cities were judged on several points by a committee of managers.

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The 1922 Yearbook will come from the printer shortly and is available at 55 cents a copy from the offices of the City Managers' Association, East Cleveland, Ohio.

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The November Issue of the *City Manager Bulletin* carries an article entitled "The Qualifications of a City Manager." The October issue carries a four-page article about the Long Beach recall.

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City Manager Questionnaire.—The office of the City Managers' Association has sent out a chart to all city manager cities, requesting information which has never before been compiled and will be interesting as well as valuable when the final compilation is made.

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Manager Osborn won his first legal battle in Kenosha, the first Wisconsin manager city, when the state attorney-general handed down an opinion that the change in the form of government in no way affected the right of the executive head of the city government to appoint and supervise department heads.

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Manager Graeser, who has gone from Tyler to Temple, Texas, has unearthed a considerable leakage in city funds in a poorly metered water system.

*

Numerous Managers are observing fire prevention week; others are interesting themselves in their state municipal leagues by forwarding progressive municipal legislation.

*

Timely Tributes were made to C. M. Osborn when he resigned as manager of East Cleveland, Ohio. The citizens presented him with a mantel clock and the city employees gave him a white gold watch and chain and a gold fountain pen and pencil. Last January Mr. Osborn bought a time clock for the city hall, and it appears that everyone took this occasion to return the compliment.

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Manager Rigsby of Durham, North Carolina, has convinced the council of the need of comprehensive city planning and zoning.

*

The New Manager of Akron, M. P. Tucker, is apparently taking hold of things in a manner which will redound to the benefit of the city.

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Long Beach, California, provides the example of a seeming paradox—as the days grow colder the civic recall temperature rises. The manager recall election is set for November 29.

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Numerous California Managers are making preparation for extended park improvements.

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Long Beach stands at the head of the cities of the United States with a population of from 50,000 to 100,000 in having only 54 deaths of children under one year of age during the year 1921.

*

A Trio of Part-Time Managers and engineers is now on record. Manager E. C. Knox of

Chapel Hill, North Carolina, serves on the engineering staff of the local state university; Manager J. E. O'Donnell of St. Albans, Vermont, devotes time on railroad engineering work; and Manager R. F. Armstrong of Woodstock, Canada, is a member of a firm of consulting engineers.

✻

The Following Cities are showing an interest in the manager plan: Hutchinson, Kansas, St. Joseph, Missouri, Butte and Billings, Montana, Fresno and Modesto, California, Warrenton and Newport, Oregon, Bristow, Oklahoma, Harrisonburg, Virginia, and Milford, Connecticut.

✻

Elections on Manager Charters were held in November in Billings, Montana, Santa Rosa, and San Mateo, California, and Utica, New York.

✻

Yale, Oklahoma, voters on October 6 voted four to one to retain their city manager charter.

✻

The Following New Appointments have been made to manager positions: Ponca City, C. E. Norton; Lakeland, Florida, Anton Schneider, formerly of Bartow; C. M. Grantham, Goldsboro, North Carolina; James Trogdon, Morgantown, North Carolina, to succeed O. B. Lackey, who resigned; W. L. King, Brownsville, Texas, to succeed George Grupe, who resigned; Horace Bowen, Michigan City, Indiana, to succeed W. B. Manny, who resigned; J. S. Looney to Decatur, Georgia; F. E. Golightly to Coalgate, Oklahoma; F. W. Waggoner to Farmville, Virginia; H. G. Barnes of the St. Paul Bureau of Municipal Research to White Bear Lake, Minnesota; A. A. Hall, Morgantown, West Virginia, to succeed C. F. Sutherland; U. P. Prater, Tyler, Texas, to succeed H. G. Graeser; C. A. Carran, East Cleveland, Ohio, to succeed C. M. Osborn.

✻

New manager positions have been filled by E. O. Garrett, Dormont, Pennsylvania; C. W. Mizell, Heavener, Oklahoma; Paul Steintorf, Calexico, California; C. B. Forsbeck, Red Oak, Iowa; J. P. Broome, Salem, Virginia.

PAUL B. WILCOX.

III. MISCELLANEOUS

Administrative Reorganization for Tennessee.—The Tennessee state conference of chambers of commerce meeting in Nashville have endorsed the movement for state administrative consolidation. A. E. Buck of New York has prepared a report and plan of reorganization which will be presented to the legislature this winter.

✻

Ralhp B. Howell, senator-elect from Nebraska, is well known for his successful management of the municipally-owned water, gas and ice plants of Omaha. He has promised us a story on these enterprises for the REVIEW and we yet hope to get it before he moves on to Washington.

✻

Prof. Frank G. Bates is now executive secretary of the Indiana Municipal League. The League's headquarters are now permanently estalbished at the University of Indiana.

✻

A Dog Curfew.—In Lakeland, Ohio, it seems owners of dogs guilty of barking after dark will be fined one dollar. It remains to be seen whether this form of prohibition is capable of easier enforcement than the Volstead law.

✻

Health Commissioner Bundeson of Chicago has announced that shrieking exhaust whistles carried by motor trucks are nuisances and must be silenced. The sharp blast of a truck whistle, he declares, is harmful to persons with weak hearts. For a full account of the noise menace see article by Dr. Nance in the October REVIEW.

✻

Mayo Fesler has resigned as secretary of the Brooklyn Chamber of Commerce to become secretary of the City Club of Chicago.

✻

Dr. Don C. Sowers, for the past five years director of the Akron Bureau of Municipal Research, has accepted an appointment with the University of Colorado as director of the bureau of business and governmental research of that university.

Charles A. Clark, chairman of the county board of Duval county, Florida, declares that his county needs a county manager. The present form of county government is too clumsy and too easily swayed by politics.

Frank M. Williams, who is completing his fifth year as state engineer of New York, has joined the Technical Advisory Corporation, consulting engineers, of 132 Nassau Street, New York city.